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Vol. 42.

ACCOUNTS AND PAPERS:

THIRTY-SIX VOLUMES.

—(12.)—

EAST INDIA.

INDIGO COMMISSION.

Session

5 February — 6 August 1861.

⁴⁵
VOL. XLV.

1861.

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1861.

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dated 15 February 1861;—for,

“ COPIES of a LETTER from the Governor General, dated the 29th day of December 1860, to the Secretary of State for *India*; together with the MINUTE of the Lieutenant Governor of *Bengal* on the REPORT of the INDIGO COMMISSION : ”

“ Of the REPORT of the INDIGO COMMISSION, with EVIDENCE and APPENDICES : ”

“ Of PROCEEDINGS which led to the Appointment of the COMMISSION : ”

“ And, Of any MEMORIALS presented or COMMUNICATIONS made to the Government of *India* by the PLANTERS, and the REPLIES of the Governor to the same.”

India Office, }
26 February 1861.

J. HAWKINS,
Secretary, Judicial Department.

(*Sir Arthur Buller.*)

III.

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Ordered, by The House of Commons, to be Printed,
4 March 1861.

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— III. —

PAPERS RELATING TO INDIGO CULTIVATION IN BENGAL.

— No. 1. —

CORRESPONDENCE relating to the CULTIVATION of INDIGO.

From *W. Grey*, Esq., Secretary to the Government of India, Home Department, to *A. R. Young*, Esq., Secretary to the Government of Bengal (No. 1374), dated 27 July 1860.

Sir,

I AM directed to forward the accompanying copy of a petition presented to the Government of India by the Central Committee of the Bengal Indigo Planters' Association, on behalf of the association, and to intimate that the Governor General in Council will be glad to have the Lieutenant Governor's remarks on the statements made in the petition.

PETITION of the Bengal Indigo Planters' Association to the Right Honourable His Excellency the Viceroy and Governor General of India in Council.

Respectfully Sheweth,

That your petitioners' association is composed principally of persons engaged in the cultivation of indigo in the lower provinces of Bengal, a cultivation which has been by one right honourable member of the Council remarked upon as one of the few in India attracting British capital to native labour, and one which the Government would, above all others, wish to encourage.

2. That although your petitioners are convinced of this desire on the part of the Government of India, the present Governor of Bengal, the Honourable John Peter Grant, has, since his appointment to his present office, unfortunately acted in such a way as to throw nearly the whole of the indigo districts, and especially Kishnaghur, into confusion, and unless something be done to remedy the present system of misrule, many indigo planters must be irretrievably ruined, while the inevitable result of the withdrawal of British capital from the districts is a matter of no small importance.

3. That your Excellency in Council may probably be, in consequence of your Excellency's duties having made it necessary for you to proceed up the country at the time in question, not minutely acquainted with the origin of the disturbances which have for some months been existing in Kishnaghur and the adjacent districts, and which have already put Government to so much expense.

4. That the origin of those disturbances undoubtedly was the conduct of the Honourable Mr. Eden, then magistrate of Baraset, allowing the ryots of the Baraset district to become aware that his feeling was against the indigo planters; whereupon the manager of the Bengal Indigo Company complained to the then Governor of Bengal, now Sir Frederick Halliday, but that gentleman having retired from office, the matter was finally investigated by the Honourable John Peter Grant, who supported Mr. Eden.

5. That on the 17th August 1859, the Honourable Mr. Eden wrote to the deputy magistrate of Kalarooah a letter, which your Excellency in Council will at once see was intended to point out the advisability of ryots objecting to cultivate : —

“ As the cultivation of indigo is carried on to a considerable extent in your sub-division, I beg to forward for your information and guidance extracts from a Letter, No. 4516, dated 21st July 1859, from the Secretary to the Government of Bengal, to the Commissioner of the Nuddea Division.

“ You will perceive that the course laid down for the police in indigo disputes is to protect the ryot in the possession of his lands, on which he is at liberty to sow any crop he likes, without any interference on the part of the planter or any one else. The planter is not at liberty, under pretext of the ryots having promised to sow indigo for him, to enter forcibly upon the land of the ryot. Such promises can only be produced against the ryot in the civil court, and the magisterial authorities have nothing to do with them, for there must be two parties to a promise ; and it is possible that the ryots, whose promises or contracts are admitted, may still have many irresistible pleas to avoid the consequence the planter insists upon.”

6. That on the 20th August 1859 the said Hemchunder Kur published in the district the following unfortunate and ill-judged proclamation :—

TRANSLATION.

To the Darogah of Thannah Kalarooah.

Take Notice.

A LETTER from the magistrate of Baraset, dated the 17th August 1859, having been received, accompanied by an extract from an English letter from the Secretary to the Government of Bengal, to the address of the Commissioner of the Nuddea division, dated 21st July 1859 (No. 4516), to the following purport : that in cases of disputes relating to indigo ryots they shall retain possession of their own lands, and shall sow on them what crops they please, and the police will be careful that no indigo planter, nor any one else, be able to interfere in the matter ; and indigo planters shall not be able forcibly to cause indigo to be sown on the lands of those ryots, on the ground that the ryots consented to the sowing, &c., of indigo. If ryots have so consented, the indigo planter may bring an action against them in the civil court. The criminal court has no concern in these matters, because, notwithstanding such contracts, or such consent withheld or given, ryots may urge unanswerable excuses against the sowing of indigo. A copy of perwannah is therefore issued, and you are requested in future to act accordingly.

Dated 20 August 1859.

7. That the consequence of this was, that the ryots in that and the surrounding districts immediately believed that Government wished to put a stop to indigo planting ; and on the 14th October 1859 the manager of the Jinger-gatcha indigo concern brought to the Commissioner's notice the dangerous effects of such a proclamation ; and after an investigation, the Commissioner, Mr. Grote, as well as Messrs. Reid & Drummond, who were all men who thoroughly understood the indigo district and the people, unanimously condemned the indiscretion of the magistrate and deputy magistrate, although the Honourable Mr. Grant, on the 7th April 1860, wrote a letter, in which he stated that he considered that Mr. Eden had given a satisfactory explanation.

8. That although that might appear so to his Honor, the consequences in the meantime were serious in the extreme to the planters ; and about the beginning of February, on the return of the Honourable Mr. Grant from a tour through the indigo districts, a report spread rapidly throughout the whole of the villages that the Government were opposed to the cultivation of indigo.

9. That your petitioners believe that this was caused by the Lieutenant Governor allowing himself to form and openly express an opinion hostile to the system of indigo planting, although, at a subsequent interview which a deputation of your petitioners' Association had with his Honor, he stated plainly that he had never had any experience in the indigo districts, and that he was very ignorant on the subject ; and in order to show that your petitioners' belief on that subject is not unfounded, they would beg your Excellency's attention to the following extract from a letter from Mr. Grant to Mr. Sconce, dated the 23d March

March 1860, written 10 days after the interview with the deputation, and published by the authority of the Government of Bengal, which is as follows :—

“ I am myself of opinion that the indigo cultivators ” (meaning the ryots) “ have and long have had great and increasing ground of just complaint against the whole system of indigo cultivation.”

10. That the occasion of the writing of that letter was the earnest entreaty of the planters that his Honor should request Mr. Sconce to bring into the Legislative Council a Bill to compel ryots to complete their engagements, a measure which was absolutely necessary, as, from the rapid spread of the disaffection amongst the ryots, many planters saw ruin staring them in the face; while the districts were becoming so disturbed, that neither life nor property were safe.

11. That the Legislative Council at once saw the necessity of speedy action, and the Act XI. of 1860 was passed, and received your Excellency's assent.

12. That your petitioners believe that, if the local authorities had been permitted to carry out the provisions of this Act, without interference on the part of his Honor the Lieutenant Governor, none of the difficulties with which the planters have to contend would now exist, while, instead of having a prospect before them of utter ruin to many factories next season, matters would have gone on to the mutual advantage of the capitalist and labourer, all differences between them being settled, like every other commercial arrangement, upon the simple question of price.

13. That immediately upon the Act being passed, his Honor published, on the 4th April 1860, a letter of instructions which is hereto annexed and marked No. 1, which refers to a previous letter published by his Honor, and which is hereto annexed and marked No. 2, and your petitioners humbly submit to your Excellency in Council, that at a time when the ryots were all under the belief that the Lieutenant Governor was opposed to the system of indigo planting, it would have been more proper to leave the magisterial officers to exercise their own discretion as to the mode of acquainting the ryots with the terms of the Act, instead of directing the magistrates to communicate to them the desire of Government, or pointing out to them, as in the 7th paragraph of the letter marked No. 2, that the Act was only to apply to the current season, hereby keeping alive, in the minds of the ryots, a feeling of excitement that a discreet magistrate, if left to himself, would have known how to avoid.

14. That considering the powers which his Honor has as to the removal of magistrates, it was, as your petitioners submit, uncalled for, unless the Honourable the Lieutenant Governor could not trust the magisterial officers of the district, to hold out as he did in the letter No. 1, a threat of removal if any magistrate interpreted the Act contrary to his Honor's views.

15. That the Lieutenant Governor, in laying down rules for the interpretation of the Act, exceeded, as your petitioners submit, his powers, and trespassed upon the province of the Legislative Council and of the judicial officers of the Government, because, where a question as to the meaning of an Act arose, a judicial tribunal, where both sides could be heard, was the proper forum to interpret it.

16. That your petitioners beg to draw to the earnest consideration of your Excellency in Council that the Lieutenant Governor has, since that Act was passed, interfered with the working of it in such a way as to make it wholly useless for the purpose which the Legislative Council had in view; and your petitioners have only to refer to the records of the Government of Bengal containing the papers relative to indigo planting, which are published by authority, to show that his Honor has exercised an improper and most indiscreet interference with sentences passed by the magistrates.

17. That soon after the passing of the Act a mookhtear was tried by Mr. Betts for instigating ryots to break their engagements, and a number of ryots were sentenced for ploughing up indigo that had been sown.

18. That both of these offences had become very common, and it was necessary, for the sake of example, to put them down at once; but notwithstanding this, and the express provision by the Legislative Council that there should be no appeal, the Lieutenant Governor, on the 19th April 1860, ordered the Commissioner to review these proceedings, as appears by the letter hereto annexed, and marked No. 3.

19. That by adopting such a course the prosecutors had not even the chance which, if there had been an appeal, they would have had of showing that the convictions were proper, and the Lieutenant Governor soon afterwards ordered the release of the mookhtear and the ryots, which did more harm than your Excellency can imagine.

20. That in order to show what the wish of his Honor was, this proceeding has been followed up by his directing the release of many other ryots imprisoned duly according to law, and the removal from the indigo districts of the magistrates, Messrs. Betts, Mackenzie, Macneill, and Taylor, and the substitution for them, in cases coming under the new Act, of some of the principal Sudder Ameen of other districts.

21. That the effect of his Honor's interference has, amongst other things, been to create an impression, not only in the minds of the magistrates, but also of the planters and ryots, that any decisions in favour of the planters would meet with the disapproval of the Government of Bengal; and your petitioners would beg leave to draw the attention of your Excellency in Council to the evidence, amongst others, of Mr. Forlong and Mr. Taylor, given before the Indigo Commissioners (the evidence on oath of men of the most unimpeachable character), to show the effect of these acts of his Honor, and the absurdity of continuing to institute suits under the new Act.

22. That in a recent case in which a decision has been given by Mr. Herschell, magistrate of Kishnaghur, which your petitioners consider to be entirely contrary to the evidence, and most unjust to the planter concerned, his Honor has, upon a special report of the case to him, ordered copies of it to be distributed among the officials, before whom cases under Act XI. 1860, are tried, with an intimation that Mr. Herschell's decision is to be taken as a rule to guide them in all similar cases. This your petitioners look upon as a most unusual and unauthorised interference with the ordinary course of law, and the proper independence of the judicial authorities, and especially unfair and injurious to your petitioners, inasmuch as the evidence produced was chiefly that of books and documents, kept according to the common practice of all indigo factories, which are thereby, and in this particular case, unjustly condemned wholesale, as not to be received as good evidence of claims against ryots, and being the only corroborative evidence planters have to produce, such claims are practicably rendered impossible of proof.

23. That your petitioners beg to draw particular attention to the evidence of Mr. Taylor, a man of the highest honour and reputation (given before the Commissioners), by which it appears that, while the decision of cases under Act XI. was left to the gentlemen acting as magistrates in the district, every case was decided in his favour; but every case which has since their removal been brought by him before the principal Sudder Ameen, although supported by the same class of evidence as in the previous cases, has been dismissed,—a fact that, as your petitioners submit, shows the effect of the interference which they now complain of.

24. That in several districts contracts have been entered into for three years and upwards, and in the absence of any legislative enactment to the contrary, such contracts are in every way binding, and many planters have made their calculations for the several seasons on the knowledge of these contracts; but his Honor, without taking this fact into consideration, or indeed considering for one instant the serious effect on all cultivators of indigo of such a proceeding, lately published a proclamation, the immediate effect of which was to cause the ryots, in many districts, who were previously perfectly quiet, and especially in Messrs. Watson & Co.'s factories, to combine against their employers.

25. That

25. That the proclamation is as follows:—

Ishtahar by the order of the Honourable the Lieutenant Governor.

THE following Ishtahar is issued for the information of those ryots who have been put in prison on account of claims against them for non-fulfilment of their contracts for sowing indigo, or having taken advances for the current season, and those against whom claims are now pending, as also those who are in anyway connected with indigo.

The Act XI. of 1860, respecting indigo, which is now in force, will only remain so for a short time. Commissioners will be appointed before the commencement of next season for sowing indigo to inquire into the cause of complaint by the ryots in respect of the cultivation of indigo, and on their report to Government, such rules will be laid down as will benefit all parties, and will undoubtedly show no partiality to any one. On the expiration of the present season, it will be optional for the ryots to receive advances, and to enter into contracts for sowing indigo; that is to say, that as for those who have been imprisoned for not sowing indigo this season in terms of their contracts on proved claims, it will rest with them to receive, or not receive, advances to sow indigo in future, although for this season they are required in terms of their contract to sow indigo.

Revenue Commissioner's Office,
Nuddea Division.

26. That if there were any doubt in the mind of your Excellency in Council as to the views of his Honor on the subject of the indigo disputes, and his interference with and implied disapproval of the Act of the Legislative Council, this proclamation would, as your petitioners believe, remove it, and the effect of it upon the contracts not yet completed will be irretrievably injurious. That in consequence of this constant interference of his Honor, the people of Lower Bengal are losing all respect for the officers of Government, and the minds of the people in the indigo districts are kept in a state of greater excitement and uncertainty than they were before Act XI. of 1860 was passed. The districts of Jessore and Pubna, hitherto comparatively quiet, are becoming seriously disturbed, and in them, as well as in Kishnaghur, the greatest difficulty is experienced by planters in inducing the ryots to cut the fine crop of indigo plant now ripe for manufacture, and which will give a handsome return to both planters and ryots, unless allowed to perish by the misguided folly of the people.

27. That although in the course of the evidence taken under the Commission appointed to inquire into the state of the cultivation of indigo, and which Commission was appointed at the earnest request of your petitioners, a mass of evidence in support of the allegations that the ryots are opposed to the cultivation of indigo, and that it is anything but advantageous to the people to have it cultivated, has been given, your petitioners refer with confidence to the evidence of the planters themselves, and more particularly to the plain, visible, and undeniable fact, that wherever indigo factories are situated in Bengal, there the people are richer, the country more highly cultivated, and the province in a more advanced and prosperous state than in any district where factories do not exist: and your petitioners point with pride to the fact that, within but a few years, miles and miles of country which were covered with the rankest jungle are now highly cultivated and productive lands.

28. That your petitioners believe that if your Excellency in Council is desirous of retaining English capital in Bengal, it is absolutely necessary to adopt some measures to prevent his Honor the Lieutenant Governor of Bengal from interfering, as he now does, behind the backs of persons interested, in cases pending or decided, with the due administration of the law, and to direct his Honor to leave to the Legislature and the regularly appointed tribunals of the country the promulgation and administration of the law.

Your petitioners therefore humbly pray your Excellency in Council to take into consideration this petition, and to pass such orders as may oblige his Honor the Lieutenant Governor of Bengal to refrain from pursuing a course of conduct which cannot but be ruinous to the indigo planters in Bengal, and to point out to his Honor the impropriety of interfering with the due course of the administration of the law by the regularly appointed judicial officers as laid down by the Legislative Council of India, and which interference is, as your petitioners submit, both illegal and unconstitutional, and especially indiscreet in the case of a dispute between capital and labour; and that your Excellency may pass such further orders as may, under the above circumstances, seem proper.

APPENDIX.

(No. 1.)

From *A. R. Young*, Esq., Secretary to the Government of Bengal, to the Commissioners of the Nuddea and Rajshahye Divisions, dated 4 April 1860.

Sir,

THE "Bill to enforce the fulfilment of Indigo Contracts, and to provide for the appointment of a Commission of Inquiry," as read a third time, and passed in the Legislative Council on Saturday last, differs in some respect from that read the first and second time, in regard to which general instructions were conveyed to you in my letters Nos. 1273 and 1290, dated the 27th and 28th ultimo respectively.

2. It is necessary, therefore, that the state of the law, as it will now stand when the anticipated assent of his Excellency the Governor General is given to it, so far as it affects the ryots, should be very carefully explained to them, in the same manner that the provisions of the Bill in its former state were explained to them.

3. The following are the most important changes made:—

4. The summary and exceptional process available by this law may be applied to the whole matter of any agreement to cultivate indigo during the present season, for which any advance in cash has been received, instead of being restricted to so much of it as was made in consideration of the advance in cash; and there is no maximum to which the damages assessable by the magistrate are restricted in proportion to the amount of cash advance received. Moreover, the magistrate may now decree specific performance; he may decree costs and compensation against a complainant failing to prove his case, and his decision bars all further proceedings in the matter of the contract in question. The provision that there shall be no appeal from the magistrate's order remains as it was before it was proposed to give him these extended powers. These changes add materially to the responsibilities of the officers vested with magisterial powers under the Act, and they make it more than ever imperative on those officers to give their utmost attention to the equitable principles it will fall to them to apply, and to the careful ascertainment of the facts whenever there may be any dispute of facts regarding the nature as well as regarding the existence of an agreement such as is provided for. On this point, I am directed to request that attention may again be directed to the remark made in para. 4 of my letter of the 28th ultimo, No. 1290.

5. The special provision in Section III. of the Act will point the magistrate's attention to the general principle that fraud and force, and unlawful intimidation vitiate agreements.

6. As the Legislature allows no appeal from the decisions of officers vested with powers under this Act it becomes doubly incumbent on Commissioners to keep themselves constantly informed of the manner in which these officers discharge the very difficult and responsible duty now imposed upon them, and of the principles by which they are guided in their decisions. These powers, and the opportunity of acting upon them, must not be retained for a day in the hands of any officer who may show himself not competent to exercise them in such a manner as to do full and substantial justice to all parties.

7. The Act will have effect from this date; but under Section XI. public officers are indemnified from any acts done before the 4th instant, which would have been justifiable under the Bill as read on the 24th ultimo.

8. One hundred copies of the Act in Bengalee are herewith forwarded to you, and should be circulated.

(No. 2.)

From *A. R. Young*, Esq., Secretary to the Government of Bengal, to the Commissioners of the Nuddea and Rajshahye Divisions (Nos. 1273 and 1274), dated 27 March 1860.

Sir,

I AM directed to draw your immediate attention to the Bill to enforce the fulfilment of Indigo Contracts, which was read a first and second time in the Legislative Council on Saturday last.

2. This Bill, as it is framed, when passed into law, will take effect from Saturday last, the 24th instant, and the Lieutenant Governor directs that its provisions be immediately enforced by magistrates, as though the Bill were law at this moment. The wording of the Bill shows that this is the intention and object of the Legislative Council.

3. The provisions of this Bill, so far as they affect the ryots, must be very carefully explained to them. In the Lieutenant Governor's opinion explanation will be best made by the several thannadars, each in his own thanna.

4. With

4. With this view it will be proper for you to issue forthwith, through your subordinates, for promulgation in all those places where any excitement or unusual feeling in relation to indigo planting exists, a notice in conformity with those provisions.

5. It must be stated that it is the desire of Government that those ryots who have received cash advances, upon their agreement to cultivate indigo during the current season, shall honestly fulfil that agreement. It must be explained that any such ryot who refuses or delays so to fulfil his agreement, shall be liable to be brought before a magistrate, on the complaint of the indigo planter who made the cash advance; and if the magistrate, after hearing both parties and taking evidence, decides that the ryot has broken his agreement, that ryot may be ordered immediately, in presence of the magistrate, to pay five times the cash advance, and if he has had seed advanced to him, five times the value of the seed, failing which, he will be sent to gaol, whilst the amount of the fine will be levied by the sale of his property. This, it may be said, is the order of Government.

6. It should, moreover, be explained that any person who shall by threats or otherwise attempt to prevent ryots who have entered into contracts of the above nature from fulfilling those contracts, or who shall conspire with others in any such attempt, shall be punished by fine or imprisonment, or both, and any person who shall maliciously destroy or damage, or shall conspire or attempt to persuade others to destroy or damage any growing crop of indigo, shall be similarly punished.

7. But it must also be explained that the order extends only to the current season; and it is the intention of Government, before the period of taking advances for next season arrives, to institute searching inquiry into the cause of the disputes between indigo planters and ryots engaged in the cultivation of indigo, and to pass such further laws and orders as will ensure to both parties their just rights, and shall remove any reasonable causes of dissatisfaction which the ryots may have to show. With this object a special Commission of Inquiry will very soon be appointed.

To Commissioner of Nuddea.

8. It is very desirable that wherever there is a large indigo cultivation, and the probability of numerous disputes regarding indigo agreements, there should be in the close neighbourhood an officer at hand to carry out this new Act, and with this object three additional officers with full magisterial powers have recently been placed at your disposal, and can be located wherever you consider they are most likely to be required; other officers now in your district are of course also available for the same duty. If any of those officers who have not now full powers are, in your opinion, competent to decide cases under this Act, they will be specially vested with the requisite powers for this particular purpose, on your recommendation. You will bear in mind what was said in a late letter regarding the necessity of giving every officer deputed into the interior of a district where excitement prevails, a sufficient guard of military police to maintain his authority.

To Commissioner of Rajshahye.

8. It is very desirable that wherever there is a large cultivation, and the probability of numerous disputes regarding indigo agreements, there should be in the close neighbourhood an officer at hand to carry out this new Act. All officers having full powers of a magistrate who are now in your districts, are of course available for this duty, and can be located as they seem to you advisable. If any other officers, who have not now full powers, are, in your opinion, competent to decide cases under the Act, they will, on your recommendation, be specially vested with the requisite powers for this particular purpose. Mr. Furrell, of the Arungabad Sub-division, has this day been vested with those special powers. Should you require an additional number of officers to give effect to the Act in any district, you should lose no time in applying for them. It is necessary that every officer deputed into the interior of a district for the purpose of carrying out this Act, should be attended by a sufficient guard of the military police to maintain his authority, and to put down immediately any disturbance.

(No. 3.)

From *A. R. Young, Esq.*, Secretary to the Government of Bengal, to the Commissioner of the Nuddea Division; (No. 1838), dated 19 April 1860.

Sir,

I AM directed to acknowledge the receipt of your letter, No. 100 Ct., dated the 18th instant, enclosing Mr. Herschell's seventh weekly report on the state of the indigo districts in Zillah Nuddea. In this special reference is made to the working of the new law, which, Mr. Herschell observes, has been much misrepresented by the planters to the ryots, the sentences passed under it being held out as threats over the latter, with a view to coerce them to take advances. You seem to think that there is good ground for this belief.

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The

The Lieutenant Governor is confident that if, as represented by Mr. Herschell, the planters are straining the law "to invest it with greater terror than it really has," you will see that the magistrates effectively prevent such abuse.

The circumstances you report, that some ryots have entered into agreements and taken advances since the promulgation of the law, is remarkable. It proves at least this, that all the ryots who used to cultivate indigo were not, as a matter of course, under agreement to cultivate this year, and therefore great care is requisite in requiring proof of the agreement whenever the fact is disputed, otherwise grievous injustice may be done.

Mr. Herschell states, that in the cases which have been tried, the evidence for the factories was their own books, as to the payment of advances, and the oath of one of their own native servants, whilst no other defence has been put forward than a simple but steady denial of the receipt of advances by the ryot. The Lieutenant Governor makes no doubt that the cases were decided in conformity with substantial justice, and presumes that in this, as in all other civil actions now, the defendant is allowed to give his own evidence on oath, as well as the plaintiff and his native servants. But the manner in which the trials are spoken of, makes this a little doubtful. If the case be not so, then justice is not done. When the defendant's oath contradicts that of the plaintiff's native servant, the obvious duty of the judge is to seek out, by all means, independent evidence, to show which story is the more credible. This duty, it is to be hoped, is never neglected.

The factory books show that advances have been charged to the owner of the factory; but it is not stated that they contain the receipts of the payees; and it is not stated what the evidence of the European assistant who signs them, shows regarding the system of payment and entry.

These omissions in Mr. Herschell's report of the general character of these trials, the infliction by Mr. Mackenzie of the extreme penalty for the first case ever tried under the new law for destruction of indigo, and the unexplained sentence of a legal agent of some ryot apparently to imprisonment for six months, show the necessity for the earliest possible revision by you of these proceedings, in order to make it quite sure now, and to be able to make it manifest hereafter, that the principles of equity and moderation are observed by each officer entrusted with extraordinary powers granted by the new law.

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- From *A. Money, Esq., c. B.*, Officiating Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department; (No. 4356), dated 22 August 1860.

Sir,

WITH reference to your letter, No. 1374, dated the 27th ultimo, and the petition from the Bengal Indigo Planters' Association, which accompanied it, I am directed to forward, for the purpose of being laid before His Excellency the Governor General in Council, a copy of a Minute recorded by the Lieutenant Governor on the subject of the complaints and remarks contained in the petition.

MINUTE.

Complaint of the
Bengal Indigo
Planter's Associa-
tion.

I AM sorry that an illness of a few days' duration, which made it difficult for me to do more than dispose of current business, too important and too urgent to bear any postponement, has delayed my answer to this complaint longer than was desirable.

2. The general charge made against me by the Bengal Indigo Planters' Association is, that since my appointment to my present office I have acted in such a way as to throw nearly the whole of the indigo districts, and especially Kishnaghur, into confusion; and the general prayer of the memorial is, that I be restrained from pursuing a course of conduct alleged to be ruinous to the indigo planters of Bengal; that the impropriety, illegality, unconstitutional character, and especial indiscretion in relation to a dispute alleged to be between capital and labour, of interference with the due course of the administration of the law by the regularly appointed judicial officers imputed to me, be pointed out and checked; and that His Excellency in Council will pass such further orders as may seem proper.

3. It is assumed in the commencement of this memorial that His Excellency in Council, in consequence of His Excellency's absence in the Upper Provinces until the 22nd of May last, may not be minutely acquainted with the origin of what the memorialists call the disturbances in Kishnaghur and the adjacent districts. It is enough to say upon this, that every proceeding of the Bengal Government

Government, since the difficulties of the planters were first represented to me, early in March, has been reported in full to Her Majesty's Secretary of State, through the Government of India, at first by every weekly mail, and latterly by every fortnight's mail from Calcutta.

4. To the general charge of having acted in such a way as to throw nearly the whole of the indigo districts, especially Kishnaghur (or Nuddea) into confusion, it may perhaps be enough to reply, by stating the undeniable fact, that those districts are not in confusion. It is unquestionable, that whilst there is a great disagreement and much ill will between the manufacturers of indigo, and the producers of the raw material, the indigo districts, and Kishnaghur especially, in every general sense, are perfectly tranquil. At the commencement of the excitement there were two affrays, one in Moorshedabad and one in Pubna, and there was great risk of a serious and extensive disturbance breaking out, caused by the animosity of the ryots against the indigo factories in many places. But a timely display of force, sent into these districts for the general purpose of maintaining order, and for the special purpose of protecting the interest which is now complaining of injury from Government, prevented all breach of the peace, and saved the indigo factories. The best magistrates available were placed over the excited districts, and by their exertions, supported by an adequate force, a dangerous crisis was passed over without disturbance of the general quiet. To talk of districts being in "confusion," because of a commercial disagreement between two classes concerned in one particular trade, when the law is in full force, and when, practically, the life, property, rights, and personal liberty, even of the humblest cultivator were never before more secure than they now are in those districts, is not, I think justifiable.

5. There are no affrays, no forcible entries and unlawful carrying-off of crops and cattle, no ploughing up of other men's lands, no destruction of trees and houses, no unlawful flogging and confinement in godowns now reported. Even the offence of kidnapping ryots seems almost arrested. One factory gomashtha in Pubna is now indeed under trial for it; but since the abduction of Seetul Turufdar, whose death, under circumstances which appear to make the whole affair amount to murder, occurred about July 1859, I have not heard of a single case of lawless violence in Nuddea.* Even in matters relating to the present commercial disagreement, law and justice prevail. The persons and property of planters are everywhere inviolate; and whilst, on the one hand, planters do not carry off by unlawful force indigo plant in the lawful possession of other people; on the other hand, if they have advanced a single copper pice for any indigo plant, to which they have a claim under a contract, but of which they have a difficulty in obtaining delivery, they have now the means of establishing the fact, and obtaining possession legally in three or four days. Where no contracts and advances are established, we have reports of planters and their European assistants going about themselves amongst the ryots, and actually paying for the plant, to the owner's content, in cash on the field. This healthy state of things is novel indeed; and if Government is accused because it is novel, I will not defend Government on that charge. But I cannot admit that this practical introduction of the supremacy of the law into the indigo districts is evidence of "confusion."

6. I must notice another misdescription in this memorial. The commercial disagreement in question is designated a dispute between capital and labour; and I am accused of especial indiscretion, on the ground that such is the character of the dispute. I am aware of no such dispute. Some few instances have been reported to me in which manufacturers of indigo have found difficulty

* Since this passage in the text was written, I have received a report of an outrage which occurred last month in Jessore. According to the Commissioner's Report of this case, a band of 25 latials were assembled in an indigo factory, and marched in broad daylight to carry off a certain obnoxious and influential ryot from his village. The party attacked had warning, and defended themselves. An affray occurred, in which the ryot whose abduction was designed was killed by three spear-thrusts, and three other men were wounded, and are still missing. Seven men have been apprehended, and will be tried for this offence. This is a lamentable affair, but unfortunately there is nothing new in the case; and certainly it is not an instance of violence of which the indigo planters' association can complain, or which can be attributed to Government.

culty in obtaining a sufficient number of coolies, and sufficient boats and carts ; but in all these cases the difficulty was overcome eventually by the good sense of the parties, and sometimes, with the help of the good offices of the magistrate, in the natural and proper way of an adjustment of rates. The disagreement actually existing is between the manufacturers of the dye, and the producers of the plant, which is the raw material of the dye. Both classes are capitalists, and so far from it being true that the capital of the producers is so small, comparatively, that they may be truly described, for practical purposes, as labourers, their capital, in the aggregate, infinitely exceeds the capital of all the manufacturers of indigo dye. The capital of the ryot is in his land, his crops, and his cattle, and in very many cases in his means of hiring labourers, over and above the value of his own bodily labour. The whole cultivation of Bengal is in his hands ; and the ruin of this mighty interest would be the ruin of the country. The capital of the manufacturer of indigo dye is partly in his manufacturing premises and utensils, and in his means of hiring labourers, but mainly in the debts due to him by the former class of capitalists, namely, the ryots. If the planters should suffer losses, there is no one who would more sincerely deplore the circumstance than I should ; and there is no one who desires more than I to do every thing to assist them that justice and fair dealing with the rights of others, and the principles of freedom and of sound commercial policy, will permit. But as a national interest, the owners and cultivators of the soil must be ranked second to none in an agricultural country like India.

7. Both the interests involved in the present disagreement are capitalists of great national importance; and both should be treated, not only with justice, but with consideration. A Government which should approach the question with any less impartial view of it than this, would err as much in point of sound economical policy as in point of fair dealing. It is proof enough of a mistaken view of the whole question on the part of the memorialists, who complain of my proceedings, that they make it a part of their charge that their disagreement with the class which either owns or farms all the land in Bengal, is not "discreetly" treated as a dispute between masters and labourers.

8: I now proceed to discuss the specific points of complaint affecting myself taken in this memorial.

9. The first of these that I can extract is that on the 7th of April 1860, I pronounced an opinion that Mr. Eden, who had been called upon to explain the publication by a police darogah, in Baraset, of a certain perwannah, supposed to have been ordered or approved by him, had given a satisfactory explanation on that point ; satisfactory, that is, so far as he was concerned in the affair, notwithstanding that three other gentlemen had unanimously condemned Mr. Eden's indiscretion. Seeing that Mr. Eden, in his explanation, showed conclusively that the publication was made a month after he had given over charge of the magistracy, and had left the district ; that he neither ordered, authorised, approved, or knew anything about the perwannah, and that he first saw it in the newspapers, I do not see how I, or any reasonable person could have pronounced Mr. Eden's explanation regarding this publication as anything but satisfactory.

10. The second specific ground of complaint is, that I caused a report to spread throughout the villages, about the beginning of February, on my return from a tour through the indigo districts, to the effect that the Government was opposed to the cultivation of indigo, and that this was caused by my having formed and openly expressed an opinion hostile to the system of indigo planting ; such formation and expression of opinion being the more wrong inasmuch as afterwards, namely, in the earlier part of March, I plainly stated to a deputation of the association that I had never had any experience in the indigo districts, and was very ignorant on the subject. The memorialists do not name or allude to any one as having ever heard me express an opinion hostile to indigo planting, and they do not mention any time or place when and where such an opinion was expressed by me ; they merely state their belief in the imputed fact of the formation and open expression by me of the opinion in question, and in the assumed consequence thereof in the village report above mentioned. But they adduce, in proof of the fact and of its consequence, this

argument,

argument, that in a letter of mine to Mr. Sconce, dated the 23d of March, wherein, on the application of the memorialists, I proposed to the Legislative Council the passing, in their favour, of a special law for the enforcement of indigo contracts, with the stipulation that it should be followed, as prayed for by them, by a commission of inquiry into the whole system of indigo planting, I wrote the following words, viz.: "I am myself of opinion that the indigo cultivators," (meaning the ryots) "have, and long have had, great and increasing ground of just complaint against the whole system of indigo cultivation."

11. I do not see how this quotation proves either the open expression of opinion imputed to me in and before February, or the consequences inferred from that supposed fact; but as the printed book, from which only the grounds of the Memorial can have been taken, contains two denials by me, addressed to two gentlemen interested in indigo, of my having ever expressed any opinion which could have given rise to any such village report as is mentioned, I think I have fair ground to complain, if not of the belief of the memorialists, in support of which they can advance nothing, at least of their publishing that belief now, without any mention of the fact of my having formally denied all ground for its existence.

12. I must observe, that the whole passage in the memorial of which I have given the substance above, is thoroughly wrong in matter of fact. I did not return from any tour in the indigo districts about the beginning of February; I returned on the 10th of March from a tour of 10 weeks, not in the indigo districts, but in Southern Behar, namely, through the Chota Nagpore country, and the Gyah, Arrah, and Patna districts, from which I returned by way of Monghyr, Bhaugulpore, Rajmehal, and the line of railway. In the whole course of that tour I had no occasion to express in conversation any opinion on the subject of indigo; and every written communication from me on that subject is printed in the Blue Book. I had no oral communication with any one in the course of that tour, concerning indigo, till I arrived at Rajmehal about the end of the first week in March, when the district officer there informed me of the assault on the factory gomashtah near Aurungabad. I have never made what can be called a tour in the indigo districts; but in August and September last year I made a tour in Eastern Bengal by water, in which I touched for two or three days at the sudder stations of Kishnaghur and Berhampore, amongst others. Nowhere in the course of that tour had I any conversation about indigo, other than a few ordinary words with planters about the crops. Many written petitions were given in to me by ryots of Nuddea, a large body of whom followed me to Berhampore for the purpose; and I learnt then that the natives in Nuddea were dissatisfied with the magisterial treatment in that district of their complaints against planters. All those petitions were disposed of by the written orders which will be found printed at full length in the Blue Book; but neither at Kishnaghur nor elsewhere did I express any opinion on the indigo question, or, on that occasion, speak on the subject to any native.

13. Thus, not only is the belief of the memorialists mistaken; the whole body of supposed facts on which it has been formed is wrong.

14. There has been some misunderstanding of a remark I made to the indigo planters' deputation in March last. I remember saying that I had never had any experience in an indigo district; and I have no doubt that I disclaimed all knowledge on the subject of indigo from personal observation; but I am sure that I did not say that I had no knowledge on the subject derived from others. I knew perfectly the native opinion on the subject; and I had had a peculiar opportunity of becoming more fully acquainted than most public servants with the common abuses in connexion with indigo, in all districts, so far back as in 1835, when I was employed in digesting a mass of reports from every indigo district in Bengal, which reports led to the repeal, under the orders of the Home Government, of Section III. of Regulation V. of 1830; and when, also, all the remonstrances from indigo planters against that measure came under my eye. As to my letter to Mr. Sconce, the opinion therein expressed was founded upon facts which were known to everybody, and were denied by nobody.

15. I have never formed or expressed but one opinion on indigo planting.

This opinion is, that so far as it is conducted justly and lawfully, in accordance with the rights of all parties, upon sound commercial principles, and by the free will and to the mutual benefit of all concerned, like the trade in other staples, it is a source of national wealth, deserving of the same high consideration as all other great branches of trade. But so far as it is conducted unjustly or unlawfully, in disregard of the rights of any class, upon the false principle of a forced cultivation, unprofitable or oppressive to the cultivator of the raw material, it is an evil of great magnitude, whether in its political or in its commercial aspect, and one which urgently requires correction. This correction, whenever actually required, I have always thought, and I continue to think, will be self-acting and complete in the natural course of things, under a legitimate, vigorous, and truly impartial magisterial action, which, leaving disputes in civil cases to be settled by the constituted civil tribunals, abstaining from all support of either party not warranted by the law, and founding itself wholly on the law, will give that equal protection from unlawful violence to both parties in practice, which the law in theory has always intended.

16. I accept all responsibilities for holding this opinion, and for acting upon it, so far as the occasion required, whenever the necessity of so doing has been forced by circumstances upon me. I have insisted that unlawful violence, on any pretence, shall be prevented or prosecuted to punishment by the police, without respect to persons, or classes, or complexions. I have objected to the police forcing unlawfully, or assisting or protecting others in forcing unlawfully, any unwilling person to cultivate any sort of crop whatsoever; and I have insisted that the police shall not support one man in unlawfully sowing another man's land by force, on any plea whatsoever. There is nothing new in this doctrine, which has been the law of the country for 70 years; and there ought to have been nothing new in the practice. If the announcement or enforcement of such very plain and long established principles of police law has really had any effect upon the indigo system, the effect can have been only corrective of evils which should have been corrected long ago.

17. The next specific point of complaint in the memorial is, that I have interfered, to the prejudice of the planters, with the local authorities in carrying out the temporary Act passed for the enforcement of the current seasons' indigo contracts; but for which interference, it is contended, all differences between the manufacturer and the agriculturists [the capitalist and the labourer are the terms used in the memorial], would have been settled to mutual advantage, like every other commercial arrangement, upon the simple question of price. Now there is nothing, and there never has been anything in the whole dispute, but "the simple question of price." If the planter had paid, in cash, such a price for indigo plant as would have made it more profitable to the ryot to grow that crop than any other, abstaining also from all molestation of the ryot by himself or his servants, no one pretends that the planter would not have got, year after year, as much indigo plant as he could pay for. If planters generally had acted, in the matter of indigo, upon the principle of giving a remunerating price, the ryots would have been anxious to sow, instead of declining to sow; and if the planters were prepared to pay such a price, they would have had no more reason to fear a want of indigo plant next year, and in future years, than the traders in jute, sugar, saltpetre, silk, or oil seeds, have reason to fear the want of those articles next year, and in future years. But the planters' position, so far from being the position of free traders, as here assumed, was this,—that, in consequence of an extensive refusal to sow indigo, they had been driven to ask for a special law, exclusively in their own favour, and of extreme stringency against the ryot. The Legislature thought it right to pass such a law, to be in force for six months only, under the sudden emergency which allowed no time for inquiry; but it carefully put into the body of that law a provision for the re-assurance of the ryots, and to calm the alarm, the ryots could not but be likely to feel at being thus suddenly and specially legislated against, whereby a full and impartial inquiry into the whole system of indigo planting was ensured before the next sowing season should come. As I would not have proposed, so also I know that the Executive Government of India would not have supported a special law against the ryot, even of six months' duration, without such a provision, which promised, in effect, the redress of all proved grievances; and I have not a doubt that the Legislative Council

Council would not have passed any coercive measure at all, without such a provision. So strong was the feeling of the Legislature on this point, that whereas in the Bill presented to them mention of the commission of inquiry was only made in the Preamble, as the Council amended it, a large part of the body of the law consists of provisions for the commission; and this was done for the very purpose of showing to the public, and to the complaining ryots, that though existing lawful contracts must be enforced, an effective inquiry would be almost immediate.

18. On the passing of the law containing that provision, it became the duty of every loyal subject desiring a continuance of the good feeling of the agricultural class towards Her Majesty's Government, and interested in the preservation of the peace of the country, to make the existence of this consolatory accompaniment of the Act as fully known, and as thoroughly understood, as the coercive portion of Act. And this was very especially the duty of the Lieutenant Governor of Bengal.

19. The first article under the general charge of improper interference, as far as I can analyse the memorial in this part, is that, on the passing of the above Act, I directed its provisions to be very carefully explained to the ryots. Unless the drift of this complaint is that I took measures to prevent any false impressions, such as would have unfairly helped the planters, regarding the true design and actual effect of the law becoming general amongst the persons subjected to its coercive provisions (and it is on record that endeavours to induce such false impressions were not *wanting), I do not see any meaning in the complaint. If that is its meaning, it deserves no answer. The law went no further than to provide a summary procedure, and a new tribunal, for the enforcement (by a stringent civil process involving imprisonment) of lawful contracts in actual existence. I certainly would not have proposed, and the Legislature certainly would not have passed, any law that went further than that. Even as it is, there are two opinions amongst disinterested persons as to whether any special law against the ryot was justifiable, under the circumstances or not; and if the law had gone a step further than the just and legal enforcement of actual contracts, there could have been, amongst disinterested persons but one opinion about it. If it is meant that the Executive Government, whilst leaving to the Legislature the outward show and pretence of fair intention, should have quietly allowed the law to be understood in the mofussil, and acted upon, as though it had been a law to force ryots, being Her Majesty's free subjects, to cultivate indigo, whether they wished to do so or not, at prices fixed by the purchaser, though they might be under no obligation to do so, and though they might never have received a farthing of consideration,—such an act, in short, as no Legislature would have dared to put into plain words,—His Excellency in Council will not expect me to notice the complaint.

20. It is a part of the same article of charge that I directed the magistrates to communicate to the ryots "that it is the desire of Government that those ryots who have received cash advances upon their agreement to cultivate indigo during the current season shall honestly fulfil that agreement." Now, this is precisely what the deputation of the Indigo Planters' Association, which had had an interview with me, had asked me to publish to the ryots, with the object of doing away with an impression which they believed to exist, that Government was opposed to indigo cultivation; and it is precisely what I had said in a notification published in accordance with that request.* Yet this memorial comes from the very same body, complaining of that being said in a letter to the magistrates, which, at their own prayer, had just before been published in a proclamation.

21. Again: it is complained that in para. 9 of the Secretary's Letter of the 27th of March 1860, it was pointed out to the magistrates, for the information

* See page 354 of the Blue Book. To show the effect of such communications of the desire of Government, the following passage may be cited from a report of Mr. Hershel's: "I went to one of the villages in the Khalboleah concern, where the ryots refused to sow. On explaining the law to them they submitted, it being clear that they had taken their advances. 'If that is the order of the Government,' they said, 'of course we must sow.' This is the general feeling." Page 467 of the Blue Book.

of

* See Mr. Hershel's seventh Weekly Report and Mr. Grote's Report of 18th April 1860, page 469 of the Blue Book.

of the ryots, "that the Act was only to apply to the current season, there by keeping alive in the minds of the ryots a feeling of excitement that a discreet magistrate, if left to himself, would have known how to avoid." The meaning of this must be, that although the Legislature had passed only a law for the moment, and had most carefully provided that the law itself should show that measures to ascertain, before next season, if any actual grievance required remedy, had been resolved upon, and had thereby unequivocally committed itself to the adoption of any remedy required; nevertheless, I was to blame for not concealing this formal promise from the class for whose reassurance it had been made. After what I have said above, I need not say more on this point, than that if this promise had not been published, and the fairness of the designs of Government had not been made known, I believe that the Government would have had a very different sort of excitement to meet than one involving only the peaceful refusal of one party to strike a bargain with another party, for next season's indigo. I believe that, but for the measures taken, combining the reassurance of the people in the just intentions of Government, with a prudent show of force, there would have been a movement in which the planters would have been the first but not the only sufferers.

22. The next article of specific complaint is, that in the Secretary's Letter of the 4th April 1860 I held out a threat of removal if any magistrate interpreted the Act contrary to my views. This is a misrepresentation; I never held out such a threat, or said anything that can be made to have the appearance of such a threat. I have not, even in any single instance, interpreted the Act or expressed to any magistrate my views as to how it ought to be interpreted upon any point. I have pointed attention to the provisions of the Act *seriatim*, as plainly expressed in the Act in unequivocal terms; but I have never myself interpreted the Act or any part of it. How necessary, as it has since been proved, it was at that time of excitement to draw attention strongly to the several provisions of the law, as it actually stood, will be seen from the extract

"On the first issue of the new law it certainly was very generally understood by the police to signify that indigo was to be sown this year just as usual; and although the meaning of the words, 'cash advance,'* very speedily got known, the proviso was such a clog on all attempts to adopt general measures, that it was practically put out of sight, and, if possible, it would have been shirked; but the ryots had perceived their advantage, and used it. I early noticed that the police generally were attempting to override the law, by expounding it in their own way to mean simply 'sow.'"

* The original complaint.

in the margin, taken from a late report by the magistrate of Nuddea. I have inculcated the duty, in every really contested case, of a careful sifting of evidence on both sides, and of an attentive consideration, in a true spirit of equity, of every case where the fact of a contract with advances was at issue, and I am sorry to say that I shall have to show that this caution was very far from being needless. But I have never said a word which was not as much in favour of the planter, when his cause was just, as it was in favour of the ryot when his cause was just.

23. The position was in all respects peculiar. For the sake of the planters, at the moment the Act was passed, time was everything. A large number of officers with magisterial powers were required, all to be set to work at once, otherwise the object would be lost. There were no officers with magisterial powers existing who had any the least experience in civil judicial business, and many of the only officers available to me were gentlemen of little experience in any business; whilst of no one of them, all being wholly untried in such business as was suddenly put upon them, could it be certainly predicted that he was qualified for the new and very peculiar task. At the same time the duty, being the rapid trial of equity suits without appeal, was in itself a difficult one, requiring much more than usual calmness and caution, by reason of the excitement, clamour, and misrepresentation on all sides which prevailed. With all this, on the justice of every decision might depend the question of the profit or incalculable loss of the factory, and the question of the comfort or the imprisonment and beggary of the ryot. From a very limited number of available officers, I chose those who seemed to me the most likely men to do this new duty well; but being responsible for having tried these officers at this new work, I should have been inexcusable if I had retained one of them at it after he had shown that he was not qualified to do it, which many officers, good enough in their ordinary line, would be likely to prove to be. It was thought necessary, for the object of the law, that the causes in question should be tried without appeal;

appeal; but it was not necessary, for any object, that they should be tried by officers who proved to be disqualified for the duty.

24. I did not attempt to review the work of these officers myself. The Commissioners of Divisions, who are gentlemen of eminent qualifications, and of long experience, were directed carefully to watch the judicial action of the young assistants and the deputy magistrates employed. I give in the margin the passage in my orders, which the memorialists describe as a threat of removal to any magistrate who should interpret the Act contrary to my views.

"As the Legislature allows no appeal from the decisions of officers vested with powers under this Act, it becomes doubly incumbent on Commissioners to keep themselves constantly informed of the manner in which these officers discharge the very difficult and responsible duty now imposed upon them, and of the principles by which they are guided in their decisions. These powers, and the opportunity of acting upon them, must not be retained for a day in the hands of any officer who may show himself not competent to exercise them in such a manner as to do full and substantial justice to all parties."

25. The memorial next complains that in laying down rules for the interpretation of the Act, I have exceeded my powers, and trespassed on the province of the Legislative Council and the judicial tribunals; but the assertion that I have ever laid down rules for the interpretation of the Act is contrary to the fact. A perusal of the records will show that, as I have above stated, I have never expressed so much as an opinion regarding the interpretation of the Act. The law allowed of no appeal, therefore there was no person who could pass any interpretation of the Act, or could inform the magistrates on points on which they doubted, and asked for information, or could correct errors, or could keep the magistrates together in any consistent course with judicial authority; but the magisterial officers, though inexperienced in civil business, were desirous of acting according to law, and were reasonably and conscientiously willing to learn the law from high legal authority. On points, therefore, on which they doubted or differed in opinion, or acted on what appeared questionable principles, I have several times obtained, and circulated for their information, in a general form, the opinions of the Advocate General, to which it is but right to say that these officers have always attached due weight. These opinions have been sometimes in favour of the planter, and sometimes in favour of the ryot, but always very much to the benefit of the interests of justice; but, for myself, having no power to interfere with the civil decisions, I have neither attempted to interfere with them, nor expressed to the magisterial officers any opinion on their merits, one way or the other.

26. The next complaint is that I have made the Act wholly useless for the purpose which the Legislative Council had in view, by an improper and indiscreet interference with the sentences passed by magistrates under the penal clauses of the Act. In these cases also there was no appeal, but in them, as in all criminal sentences, the Government has the power of mitigation or remission; and this power involves the duty of exercising it on proper occasions. The absence of an appeal of right made it incumbent on Government to see that, at a moment of great clamour and excitement, the great irresponsible power vested for the most part in young and inexperienced officers, was not abused by systematically hasty, and, consequently, unjust convictions and sentences; and to provide that the only possible remedy of any such sentences as might be passed, should be applied by means of the remitting power of Government. The Commissioners of Divisions were therefore instructed to keep an eye upon the general action of the magisterial officers. This was done most efficiently by those experienced and able officers. When they found that a prisoner had been convicted unjustly, or had been punished with very excessive severity, they reported the case to me, with their recommendation for remission or mitigation. Except upon the recommendation of one or other of those experienced officers, I have never mitigated or remitted a single sentence. It will be in the recollection of the honourable members of Council, that, in discussions preceding the passing of the law, this very safeguard was stated as a reason for not allowing, as in all other cases, an appeal of right under this Act.

27. I say confidently, though I say it with regret, that but for the exercise of this power, and the check which some calls for explanation in some very glaring cases of carelessness imposed upon systematically hasty convictions, unsupported by law or by evidence, and in some instances by either law or evidence, great injustice would have been committed in the criminal department, a justifiable spirit of hostility to Government would have been excited in

the people, and much disgrace would have been incurred by the British administration. The records are open, in proof of this assertion.

28. The case of the mookhtar or attorney of certain ryots, imprisoned by Mr. Deputy Magistrate Betts, selected for mention in the memorial as the best case against Government and the Commissioners, is perhaps as striking an example as I could myself have selected of what would have happened, but for the watchfulness of Commissioners. That mookhtar, at the complaint of a planter who was about to prosecute ryots for breaches of alleged contracts which they denied, was sentenced by Mr. Betts, after a trial which from the record could not have lasted 10 minutes, for what was no offence at all, on evidence of what was no offence at all, to six months' imprisonment and a fine of 200 rupees, and in default of payment to a further imprisonment of six months.

29. The deputy magistrate had been so hasty, and his bias towards conviction had been so strong, that he did not stop to look at the law to see what act constituted an offence under it. Of course, after that flagrant case, the ryots of that quarter could obtain the services of no legal agent to defend their causes; and the prosecutors for several days had it all their own way. There was another mookhtar in another place similarly treated. It is made by the Association matter of formal complaint against me, that I remedied this injustice as soon as it was reported to me by Mr. Grote, the Commissioner. The release of a mookhtar who had committed no offence, and his return to defend in lawful course the causes of his clients, is one of the ways in which it is said that the Act has been made inoperative, and more harm has been done than can be imagined. I am quite sure that the Association have adopted, as a body, an argument which every single indigo planter who belongs to it would disdain to use in his own case. No individual planter, I am satisfied, would say that he desired the ryots he himself prosecuted to be deprived of all legal advice, by sending their mookhtars for no offence to prison.

30. I append a statement of all the remissions and commutations that have been made, with remarks. The number of prisoners who benefitted by these reviews is 126, of the unjust imprisonment of very few of whom could a plausible doubt be raised; and when it is known that at one time the jail of Nuddea alone held no less than 588 prisoners, confined at the prosecution of planters under the Indigo Act (so as to oblige me to empty it of ordinary criminals), the number of innocent prisoners released at the recommendation of the Commissioners will not seem so large as to justify the dissatisfaction of the Association. It appears to me that there are no grounds for asserting that a sufficient number of respectable ryots have not been incarcerated under the Act to make an example.

31. The next specific complaint made is of the alleged removal from the indigo districts of Messrs. Betts, Mackenzie, Macneill and Tayler. Of three of these gentlemen it is not the case that they have been removed either from the indigo districts, or from the most excited part of those districts. When the Indigo Act was passed, it was necessary immediately to place an officer with full powers in the neighbourhood of all those places where numerous suits were expected to be filed; and amongst the officers selected for this purpose were Mr. Mackenzie and Mr. Tayler for Nuddea. When Mr. Mackenzie's services could be spared from Nuddea, he was appointed to the charge of the subdivision of Narail, in Jessore, and when Mr. Tayler's services could be spared in Nuddea, he was sent to his own subdivision of Magoora, also in Jessore. At both of these subdivisions, which are in the thickest of the indigo country, subdivisional officers were urgently required in consequence of the indigo excitement. So far from being removed from the indigo districts, these gentlemen were posted at two of the most important points in them, and were promoted to subdivisional charges. Mr. Macneill stood appointed to the subdivision of Bongong, in Nuddea, and when his services were no longer urgently required there, and were urgently required at the Sudder station of the same district to fill the vacant office of joint magistrate and deputy collector there, he was promoted to act in that office.

32. Mr. Deputy Magistrate Betts had been taken temporarily from his subdivision at Diamond Harbour, to do duty under the Act, in the interior of Nuddea.

Nuddea. In consequence of the hastiness and want of judgment and attention which he manifested in his proceedings, whereby injustice was done, the Commissioner, Mr. Grote, ordered him into the Sudder station, an act of which I entirely approved. As experience had shown that the services of Mr. Betts could not be unobjectionably employed in proceedings under the Indigo Act, he returned to his own subdivision, and to the ordinary line of his duty. It was Mr. Betts who committed the grave error of imprisoning the mookhtar, on a charge of what was no offence,—an error which caused much local excitement, and involved the administration in much local discredit till it was rectified. It is unhappily too apparent that Mr. Betts' return to his ordinary line of duty was not too soon; for it has since, quite accidentally, come to my knowledge, that in one of his civil cases, he gave the planter a decree against the ryot, on a written agreement purporting to have been made in 1856, executed on stamped paper which, on inspection, proves to have been sold in 1859. When it is remembered that the absence of appeal makes redress in these civil cases impossible, however glaring the injustice done; and that on such false suits as this, thus hastily decided, respectable ryots in comfortable circumstances, are sold out of house and home, sent to prison, and reduced to beggary, no human power existing to remedy the wrong; can I be justly blamed for having done from the first my utmost to secure both parties from liability to suffer under such hasty decisions?

33. It is not open to the Indigo Planters' Association to complain of my removing from the indigo districts a magisterial officer, on the ground of his being wanting in the qualities necessary for the proper discharge of the duties required of such an officer, at this critical time. For this very same body, on this very same ground, lately petitioned me to remove from this very same district of Nuddea, Mr. Herschel, the magistrate. Considering the circumstances of the time, this application appeared to me quite reasonable, provided the facts assumed were established. Mr. Herschel's official position was much higher than that of Mr. Betts; but I immediately called upon him for an explanation upon the points on which exception was taken to his acts; and I directed the Commissioner to report upon them, and upon the general character of Mr. Herschel's proceedings. Upon receipt of the explanation and report, I carefully went into them point by point. The result, as it happened, was highly creditable to Mr. Herschel; and all the complaints proved to be without any sound foundation. But if the result had been otherwise, I should certainly have acceded to the prayer of the Association, by transferring that officer to some more quiet district. It will not be contended that unqualified officers should be removed when the complaint comes from one side, but should not be removed when it comes from the other side. Yet unless this principle is contended for, the complaint by the Association of the removal of Mr. Betts is as little to be justified as their complaint of the removal of the three other gentlemen named, who have not been removed.

34. Again, it is complained in the memorial that I substituted two experienced principal Sudder Ameens, for the young assistants and deputy magistrates in the trial of the civil suits under the Act. This measure was recommended by the Commissioner, and was carried into effect when the sowing season was over; and when, therefore, there was no longer any object in very rapid decisions of these civil suits. Such decisions could no longer have any effect on ryots other than the parties in the suits; and if the plaintiffs got their decrees and execution by the end of the season, they would be compensated in good time for the loss of the plant. The ordinary business of the Nuddea District was getting into excessive disorganization, by nearly the whole time of its magisterial and revenue officers being occupied in these civil suits, which were quite foreign to the proper functions of these officers. Under these circumstances I requested the Sudder Court to select two principal Sudder Ameens to try the remainder of the civil cases, leaving to the magisterial officers all trials under the penal clauses of the Act, as a part of their proper business.

35. The objection taken to this measure is, that prosecutors have complained, not that in any single instance a claim has been improperly rejected by the principal Sudder Ameens, but that their claims, when submitted to

these experienced and able civil Judges, are thrown out of court to such an extent that the planters have found "the absurdity of continuing to institute suits under the new Act." As it is impossible to contend that the young assistants and deputy magistrates, who had had no civil judicial experience, tried civil causes more properly than selected principal Sudder Ameens, who have been at that business all their lives, and who, in their own line, try irreproachably civil suits unlimited in amount, in cases that go eventually before the Privy Council, I can only treat this as a complaint by plaintiffs, who may win and cannot lose, of having to bring their causes before good judges. It must doubtless have been agreeable to planters when their suits were tried in such a fashion, that decrees were obtainable on agreements purporting to be four years old, though written on stamps which were in the vendor's shop one year ago. But I do not admit that I am to blame for a measure, an incidental effect of which has been the trial of suits in a thorough manner, because the majority of claims have broken down under such a trial.

36. It is indeed too true that, before the principal Sudder Ameens took up these suits, decrees against the ryots upon alleged contracts and alleged cash advances, were rapidly obtained in large numbers; and that since that time, on the very same sort of evidence, the same sort of claims have been for the most part rejected upon the question of fact. But the reasonable reference is, that the fault was rather in the decisions of the inexperienced officers, who decided in a hurry, at a time of great excitement and clamour, when the question of sowing was at issue, than in the experienced judges, who decided at leisure, when there was nothing to distract their minds from the plain question of fact involved in each case. And unhappily the injustice done by the hasty decisions of the former period is not left to mere inference. I have mentioned one striking case, accidentally come to notice, but it is little worse than several others. I have information of a ryot who was imprisoned for three months, but against whom no award was ever given; and of another, all whose property was sold in execution, though no decree was ever passed against him, and no proclamation of sale was ever issued. The Indigo Commissioners found two ryots imprisoned under this law, in Nuddea Gaol, who were stone blind, and who therefore could not have contracted to cultivate, and could not have cultivated if they had been under contract to do so. All the damages given at first were infinitely higher than they ought to have been, being more than double the maximum penalty universally entered in indigo contracts, wherever such contracts in writing exist. One of the largest and most respected planters in India has himself lamented to me this error. It was reported to me that one deputy magistrate cast the defendants in 79 cases within four days, and assessed the damage in every case at 20 rupees a beegah, exactly double the well-known customary maximum rate, which is 10 rupees a beegah. It is not doubtful that these cases, which every villager knew in his heart to be wrongly decided, shook the confidence of the people in our just intentions.

37. The next specific complaint is the circulation, for the general information of magistrates, of a decision given by Mr. Herschel, which, in the Commissioner's opinion afforded a striking example of the necessity of testing the truth of the papers and accounts produced by the plaintiffs, as evidence in their own favour, before admitting them to be conclusive. In this matter the Commis-

"My object, however, in submitting the record, is, to afford the Lieutenant-Governor an opportunity of judging from actual facts of the system on which, in this instance, the factory accounts appear to have been kept; of the manner in which the advances to a number of ryots are asserted to have been conducted, and of the gross attempt to establish proof of their having been made, by the production of evidence of the most weak and worthless description."

sioner of Nuddea reported to me in the words transcribed in the margin. He applied for eight printed copies of the decision he forwarded, for circulation, in order to show officers "the necessity of patiently and thoroughly sifting the evidence in similar cases, before pronouncing judgment." This was approved, and the copies were furnished. I cannot see any good ground for objecting to the circulation of an instructive case, showing the practical necessity of caution in admitting paper evidence; or to the inculcation of patiently sifting all evidence. Where the factory papers are true, testing them will make their value apparent; it is only fabricated documents, such for example as the old agreement on a new stamp, above mentioned, that can suffer by a thorough scrutiny. The common result of a proper judicial scrutiny into the evidence advanced in support of the mass of attempts to establish contracts and cash advances, is shown by the fate of

of

of the majority of the cases tried, when experienced civil judges, able to give as much time as was necessary to get at the truth of every claim, were employed in these trials.

38. I do not wish to be understood as desiring to justify my measures by throwing blame, personally, on the prosecuting planters. It is avowed and known that the work of prosecuting claims was left to the native amlah of the factories, who do not appear to have been under any practical check, and whose peculiarly unscrupulous character is denied, in general terms, by no person, European or native, of any class. I believe the planters themselves are more cheated and deceived by these men than any other persons are. The best-intentioned planters, therefore, must expect an intelligent and just judge to spare no pains in testing evidence got up by such agency.

39. In one passage of the memorial it seems to be implied that the loss of their cases before the principal sudder ameens by planters is the result of interference with those officers. If this be meant, it is no less unfair to those gentlemen, whose judicial impartiality is unimpeachable, than to others. For myself I can only say that, since Messrs. Bell and Davidson were appointed, I have neither interfered with them nor corresponded with them, and with reference to a statement made by a planter to the Indigo Commission, I have received from the Commissioner of Nuddea a denial of all interference with them on his part.

40. The last specific complaint made in the memorial relates to a notification published by the Commissioner of the Nuddea Division in Bengali, of which a translation into English is given in the memorial. It is objected to this notification, that it shows my views on the subject of the indigo disputes (which it is inferred are such as to be blameable), and my interference and implied disapproval of the Act passed concerning them. I speak sincerely in saying that I cannot answer this, because I cannot see the process of reasoning by which the inference as to my views, and the assertion as to my interference, are founded upon this notification. As to my views, whether they are blameable or not, I have in paragraph 15 of this paper explained them in plain words. As to my disapproval of the Act, I recommended the Act myself. The Act as originally prepared was in many points much improved by the Legislative Council in Committee; and in some points it was altered, in my opinion disadvantageously, by enlarging its scope too much for the raw hands into which its execution was of necessity first entrusted. But I approve of the Act; and how my disapproval can be argued from Mr. Lushington's notification I cannot see. And as to interference with the Act, the notification does not contain one word.

41. It is objected further to this notification, that it will be injurious in the case of contracts now in existence extending beyond the present season. The original notification is in Bengali, and I do not know how far the translation given in the memorial is quite precise. It appears to me from its purport to have in view only cases in which ryots are free to contract or not next year. But it may be that the wording might have been more clear on this point; for Mr. Herschel objected to the Bengali wording, on the ground that it might lead ryots, under unexpired contracts, to expect release next year, which at present, pending action on the Indigo Commission's Report, no one is in a position to promise, and therefore that it might possibly give rise to popular disappointment and irritation next year.

42. My concern in this matter was this: from the weekly reports received from the Nuddea District, it appeared that a very large number of ryots, even when cast in damages, preferred being sent to prison and sold up, to cultivating indigo for this one season. It was a grievous thing to see a gaol crowded with worthy men of this respectable class. I had reason to suspect that so many ryots would not have preferred this ruinous alternative if they had been fully assured that by cultivating indigo this one year their position next year would be none the worse. This suspicion was confirmed by a report, then lately received, that certain ryots on the borders of the Jessore District were still ignorant of the promise of a commission of inquiry. With a view, therefore, to make the ryots

STATEMENT of Remissions and Commutations of Punishment under Act XI. of 1860—continued.

| Name of Prisoner. | Offence charged. | Sentence. | Name of the Officer who Tried the Case. | GROUND OF RELEASE. |
|--|--|--|---|--|
| (7.) Kistotal Jowatdar, Kistomohun Jowatdar, Hasil Biswas, and Yasin Biswas. | Intimidating ryots - | Three months' imprisonment, and a fine of 10 rupees. | Deputy Magistrate Mr. F. T. Platts. | A similar case to No. 5. |
| (8.) Kadar Nath Sircar Moobkhtar. | instigating ryots - | Three months' imprisonment, and a fine of 30 rupees. | - - ditto - - | A similar case to No. 1. |
| (9.) Hullothur Biswas, Sadoo Churn Biswas, Guddadur Biswas, and eight others. | Maliciously destroying and damaging a growing indigo crop. | Three months' imprisonment each, with labour; commutable to fines of 25 rupees each. | Deputy Magistrate W. L. Mackenzie. | The evidence for the prosecution consisted only of factory servants who happened to arrive at the spot from different parts of the country at the same time, but whose statements of what they saw were bare, deficient, and irreconcilable. On the Commissioner's recommendation the prisoners were released. |
| (10.) Hyder Wollah, Ramzan Mundul, Rutton Poramanick. | Intimidating ryots - | Six months' imprisonment each, and 50 rupees fine, in lieu of labour. | Mr. Assistant Magistrate G. Tayler. | A similar case to No. 5. |
| (11.) Thirty-nine men (names not given). | Breach of indigo contract. | To pay to Government a fine of 100 rupees each if they did not sow, in default of which they were sentenced to imprisonment. | - - ditto - - | As this extraordinary order was entirely against the law, the prisoners having been criminally punished for breach of a civil contract, they were ordered to be released on the Commissioner's recommendation. |
| (12.) Lall Chand Mundul, Turibut Mundul, Baool Mundul, and Denoo Mundul. | Intimidating ryots - | Six months' imprisonment. | Deputy Magistrate Mr. W. L. Mackenzie. | A similar case to No. 5. |
| (13.) Kala Chand Mundul - | - - ditto - - | Fine of 50 rupees, or three months' imprisonment. | Mr. Assistant Magistrate G. Tayler. | The evidence for the prosecution in this case was most weak and contradictory, and the defence was not inquired into. The Commissioner recommended the release of the prisoner. |
| (14.) Nundo Doss, Mehar Ally Sheik, Kurreem Mundul, Tinkore Mundul, Nokolee Sheik, Jaroo Sheik. | Destroying indigo crop. | Six months' imprisonment. | Deputy Magistrate W. L. Mackenzie. | The Commissioner recommended the release of these prisoners on account of the worthlessness of the evidence for the prosecution. |
| (15.) Koopoobeddee Joardar, and six others. | - - ditto - - | Six months' imprisonment, and 200 rupees fine. | Mr. Assistant Magistrate Maclean. | Ditto - - ditto - - ditto. |
| (16.) Missur Biswas, Jooke Mundul, and Heedor Mundul. | Intimidating ryots - | Three months' imprisonment with labour. | Deputy Magistrate Mr. W. L. Mackenzie. | Ditto - - ditto - - ditto. |
| (17.) Nussaram Ghose, Kabeo Sheik, Sadoo Churn, and 16 others. | Malicious destruction of indigo. | Three months' imprisonment. | Mr. Oliphant, Officiating Joint Magistrate. | The evidence against the prisoners showed only the fact that their cattle were found grazing in an indigo field, but whether they had strayed there, or were driven there on purpose, was not proved. The Commissioner recommended the release of the prisoners. |

From *W. Grey*, Esq., Secretary to the Government of India, Home Department, to *A. Money*, Esq., c. B., Officiating Secretary to the Government of Bengal (No. 1639), dated 31 August 1860.

Sir,

I AM directed to acknowledge the receipt of your letter No. 4356, dated the 22nd instant, submitting a copy of a Minute by the Lieutenant Governor on the petition of the Indigo Planters' Association, which was forwarded for His Honor's remarks, with my letter No. 1374, dated the 27th ultimo.

2. In reply I am desired to state, that the Governor General in Council has read with satisfaction the clear exposition of the course which His Honor the Lieutenant Governor has pursued, and which in all its general features were already known to and approved by the Government of India, as being marked by a sound, temperate, and impartial judgment.

3. There is, I am to observe, one point only on which the explanation given is

is not so satisfactory as the Governor General in Council could have wished. It is much to be regretted that the proclamation issued by the Commissioner of Nuddea was so incomplete as not to take cognizance of the position of those ryots who are under engagements to sow indigo in years subsequent to the present year. It is to be regretted that the instructions under which the proclamation was framed did not take distinct notice of the cases of such ryots. The Governor General in Council has reason to believe that in some instances ryots in the above-mentioned position considered themselves to be set free from obligations which it certainly was not the intention of the Lieutenant Governor to overlook; and I am to request that his Honor will consider whether measures should not now be taken to place the matter before these ryots in its true light.

4. With the above-named exception, the Lieutenant Governor's refutation of the charges which have been brought against his Honor's administration, in a time of great excitement and difficulty is complete; and I am desirous to intimate that his Honor may depend upon receiving the full and cordial support of the Governor General in Council in continuing to act on the principles on which he has hitherto acted.

From *W. S. Seton-Karr*, Esq., Officiating Secretary to the Government of Bengal, to *W. Grey*, Esq., Secretary to the Government of India, Home Department (No. 4849), dated Fort William, 17 September 1860.

Sir,

I HAVE the honour to acknowledge the receipt of your letter (No. 1639), dated the 31st ultimo, conveying the orders of his Excellency the Governor General in Council, on the petition of the Indigo Planters' Association against the Government of Bengal.

2. In reply, I am directed to express the satisfaction with which the Lieutenant Governor has learnt that his Excellency approves of the general course which the Government of Bengal has followed throughout the past season. The Lieutenant Governor much regrets the incompleteness of the instructions under which the proclamation of the Commissioner of Nuddea was issued, which has been pointed out by his Excellency the Governor General in Council, but he hopes that no practical mischief has thereby resulted, and he believes that none can possibly have resulted which may not be easily remedied.

3. Apart from all considerations of the precise term of contracts, and irrespective of all questions of lawful obligation to sow indigo, there is a general feeling in several districts against sowing, and this feeling appears nowhere so determined as in Pubna, which is under the jurisdiction of the Commissioner Rajshahye. In that division Mr. Lushington's proclamation was not issued, and could have had no effect.

4. The true position at the present moment of those ryots who are called on to cultivate indigo for a factory, on the ground that, although they are under no advances for this season's cultivation, they are nevertheless under an engagement to cultivate, the term of which has not expired, is that if they do not so cultivate, they must stand their chance of an action for breach of contract in the civil courts, where the case, if brought, will be decided upon its equity. It is impossible in fairness to say more than this to the ryots who are so circumstanced. For all ryots are at liberty to claim such "release from their engagements," as Section V. of Regulation V. of 1830 can give them, whereof the substance, as compressed in the marginal note, is, "persons wishing to be released from their engagements to petition the judge in certain cases." The object of that Regulation as stated in the preamble, is, amongst other things, "to afford persons, who may be unwilling to renew their contracts for the cultivation of indigo, the means of obtaining by summary process, a release from their engagements." The process is to pay into the judge's court any balance due by the ryot to the factory. Moreover, the decisions of the principal Sudder Ameens in Nuddea, under the late Act, go to show that, in the great majority of cases arising in some factories, contracts relied on by the planter cannot be

established in a court of civil justice. The proceedings of the Indigo Commission have proved that, in the parts of the country where the dislike to sow was most marked in the past season, the contract, though nominally for a term of years, was by custom always renewed, on fresh stamp paper, in the autumn of every year when a fresh advance was made. This has been the invariable practice in several large concerns in the district of Nuddea, and in such cases, if the contract is not renewed, and no advance is taken this season, the Lieutenant Governor thinks that it cannot be assumed that the parties did not understand the real contract to be annual; and it is not certain how the courts would deal with the case, even if Regulation V. of 1830 is not resorted to. The Commission have also ascertained that in Nuddea, where the ryot signed at all, his signature was usually taken on a blank paper. The ryot too will always be at liberty to plead illegitimate inducement, to which plea the extreme and palpable improvidence of the bargain on his side, as demonstrated by the Commission, will always give a good colour. Moreover, supposing every point to go against him, so very great is the difference between the value of the produce of some crops on some lands, and the value of an indigo crop on the same land, that in some cases it will be wise for a ryot rather to pay damages than to grow indigo at the price fixed.

5. In order, then, to place the matter before this class of ryots in its true light, a local notification for the Nuddea division might be issued, calling the attention of those ryots who are under valid unexpired engagements, from which they cannot or do not release themselves by proceedings under Regulation V. of 1830, to the fact of their obligations remaining in full force, and of their liability to actions in the civil courts, and to decrees for heavy damages if they do not fulfil them; but the Lieutenant Governor is of opinion that any local proclamation, issued in anticipation of the expected announcement by the Government of India, of what immediate course it intends to follow in consequence of the Report of the Commission, would do harm. He therefore respectfully recommends that whatever it is resolved to do, with the above object, be done in a general notification, to be published by or under the sanction of his Excellency in Council, and he trusts that, for other reasons, such a notification may be issued without delay.

6. Accompanying this letter are Reports lately received from the Commissioners of Nuddea and Rajshahye. The Commissioner of Rajshahye, Mr. Reid, writes as follows:—

“The ryots of most of the concerns in Pubna have expressed their determination not to sow any more indigo, and, where the planter is also zemindar, they have now proceeded, in some parts, to attempt to avoid the punctual payment of their rents, by offering to deposit them with the Collector. Their avowed reason is to avoid having to pay unauthorized cesses, but the real reason, I believe is, that they may be enabled to break off all connexion whatsoever with the factory.”

The Commissioner of Nuddea, Mr. Lushington, writes:—“I cannot conceal from the Government that there is at present a very unsettled feeling pervading the northern portion of both Kishnaghur and Jessore. All parties connected with indigo are looking to the Government for some expression of their intentions on the subject, and until these have become known the excitement will continue. On the one hand the planters are wishing to obtain a special contract law, and in some parts are already making preliminary arrangements for the cultivation of indigo in October, either on new or unexpired contracts; and on the other hand the ryots are losing no opportunity of expressing their determination to have no further connexion with the planters, either by petition to the magistrate, or by the demonstrations alluded to by Mr. Molony.”

7. Accompanying this letter is a Minute by the Lieutenant Governor, in which his views are recorded, as strongly confirmed by late personal observation of the popular feeling.

8. It is not doubtful that an announcement of the resolution of Government on the Report of the Commission is anxiously expected by the whole rural population. There are points raised in the Report of the Commission which will

will require full consideration ; but the Lieutenant Governor assumes it as certain that the position of the ryot, in respect to all past arrangements, will be made no worse than it is at this moment ; and that, in respect to all future arrangements, his right to free action in regard to indigo crops, as in regard to all other crops, will be respected in theory and supported in practice. If so much as this be now at once formally proclaimed by the Governor General in Council, the Lieutenant Governor believes that the tranquillity of the country will be preserved.

9. The Lieutenant Governor, therefore, recommends that a general notification to the following effect may be issued :—

“ I. If any persons have been told that the Government is opposed to the cultivation of indigo, such persons have been grossly misinformed. The cultivation of indigo is free to all who desire to cultivate it.

“ II. All disputes between planters and ryots regarding the possession of lands, or regarding boundaries, and all disputes regarding lands claimed as *nij* or *khas* by planters on the one hand, and as their own ryottee lands by ryots on the other hand must be decided in the usual course, that is to say, by the magistrate, under the well known Act IV. of 1840, or by the Collector, under Act X. of 1859, or by the civil courts.

“ III. It is not the intention of the Government of India to re-enact the temporary law for the summary enforcement, by the magistrates, of indigo contracts, which law was applicable only to the past season, and will expire on the 4th of October next, corresponding with the 19th of Assin. Actions for breach of existing contracts will be cognizable only by the civil courts after that date.

“ IV. All ryots are hereby assured that those who are not under any valid unexpired contract cannot now be compelled, and will never be compelled, to cultivate indigo against their own wishes, or to take advances for that purpose.

“ V. All ryots who are under a valid unexpired contract are informed that they ought fairly to fulfil their engagements according to law. If they do not do so, they will be liable to actions in the civil court, and to decrees for heavy damages.

“ VI. Both planters and ryots are hereby solemnly warned to abstain from all unlawful violence or intimidation. All persons seeking the enforcement of contracts, or their just dues, or redress in matters of civil obligation, must do so in a lawful manner, through the constituted tribunals having authority in such cases.

“ VII. If the unlawful use of force is resorted to, or threatened by any ill-advised persons, the magistrates will instantly check and punish such misconduct. An ample force of military police has been placed at their disposal for this purpose.”

10. If such a notification is approved by his Excellency in Council, the Lieutenant Governor will see that it is very carefully translated into Bengali, and made generally known to the people.

11. The Governor General in Council will see, from my letter of this day to the Commissioner of Nuddea, what arrangements have been made for increasing the force available for the suppression of disturbances in the indigo districts.

MINUTE.

1. It is now generally known that the Indigo Commission have made their report, and an indication of the course which Government intends to adopt thereon is anxiously expected. The Report and the Evidence, with the most essential part of the Appendix, are now in the hands of the Governor General and of the Council ; but I have not yet been able to submit the report officially, as the whole of the Appendix is not yet printed. Nevertheless, it appears to me extremely desirable that his Excellency in Council should take the earliest

possible opportunity of issuing such a notification as will calm the minds of the masses, now wound up to a state of intense excitement on this subject.

2. The position of the question is this : when in April last the Legislative Council, as an occasional and temporary measure, passed the Indigo Enforcement Act, No. XI., of 1860, it promised an inquiry into the system of indigo planting, of which the ryots were bitterly complaining ; and that promise was equivalent to a public assurance to the complaining ryots, against whom the temporary Act was directed, that proved grievances should be remedied for future seasons. Under this assurance, whilst the owners of indigo factories have been enabled generally, in consequence of the Act, to recover with expected profits the season's advances which had been made and were in jeopardy when the Act was passed, the ryots have been kept tranquil, awaiting the result of the promised inquiry. The Commission of Inquiry have now completed their work, and delivered their verdict [which is unanimous, as I understand it, so far as all really material facts are concerned] ; and this verdict is against the system of which the ryots complained. Nevertheless, the next sowing season in respect to some indigo lands, and the season of annual advances being now near at hand, the ryots are in fear, not without reasonable grounds, that attempts will be made, by such means as have been heretofore usual, to oblige them to cultivate as usual. In this position of the question, it is but a natural inference that any such attempts will be violently resisted ; and, in fact, from the observed temper of the people, I think it certain that any such attempts will be violently resisted.

3. Under the circumstances stated, the ryots must naturally expect some measure of relief. But the majority of the Commission are of opinion that no changes of the law, and no changes (organic changes I understand to be here meant) in the system of administration are requisite or desirable. The only remedy they recommend, which it is in the power of Government to apply, is a good and effective execution of the law as it stands. That is what I understand by a multiplication of sub-divisions, with a better police, and civil courts of prompt and effective procedure. Whether the majority are right in their view of the sufficiency of this remedy or not, its propriety, so far as it goes, is unquestionable. And I believe that if the ryots are practically secured from all illegal violence and coercion, and if they are immediately assured that Government is firmly resolved so to secure them, and has the power to do so, there will be little danger of disturbances in the indigo districts.

4. It is right that I should report, for the information of his Excellency in Council, my belief that the feeling of the ryots against indigo is so strong in the Bengal districts south of the Ganges, that, generally speaking, it is vain to expect indigo to be sown in them as usual this next season, whatever course the Government may take ; and how far this feeling may have spread it is not possible to say. The Commissioners of Nuddea and Rajshahye have lately sent in reports to this effect. The magistrate of Pubna is of the same opinion as to his own district. I had a long conversation with a very intelligent native deputy magistrate at Pubna, who has been employed in indigo cases ever since the first excitement in March, and his opinion was expressed confidently that such was the determined aversion of the ryots to indigo planting at this moment, that none would sow the plant this season, even though they should be offered 20 rupees a beegah for so doing ; though he thought it probable that in two or three years, if a remunerative price were offered under a fair system, this aversion might be overcome. I have reason to know that three members of the Indigo Commission, who have been listening to all parties for three months past, are of opinion that the ryots will take no fresh advances, and will not sow in the approaching season ; and I believe that the same opinion is general amongst native gentlemen and public officers.

5. I have myself just returned from an excursion to Serajunge, on the Jumoonah river, where I went by water, for objects connected with the line of the Dacca Railway, and wholly unconnected with indigo matters. I had intended to go up the Matabangah and down the Ganges ; but finding, on arriving at the Koomar, that the shorter passage was open, I proceeded along the Koomar and Kalligunga, which rivers run in Nuddea and Jessore, and through that part of the Pubna district which lies south of the Ganges. Numerous crowds of ryots appeared at various places, whose whole prayer was for an order of Government

vernment that they should not cultivate indigo. On my return a few days afterwards along the same two rivers, from dawn to dusk, as I steamed along these two rivers for some 60 or 70 miles, both banks were literally lined with crowds of villagers, claiming justice in this matter. Even the women of the villages on the banks were collected in groups by themselves; the males, who stood at and between the river-side villages in little crowds, must have collected from all the villages at a great distance on either side. I do not know that it ever fell to the lot of any Indian officer to steam for 14 hours through a continued double street of suppliants for justice; all were most respectful and orderly, but all were plainly in earnest. It would be folly to suppose that such a display on the part of tens of thousands of people, men, women, and children, has no deep meaning. The organization and capacity for combined and simultaneous action in the cause, which this remarkable demonstration over so large an extent of country proved, are subjects worthy of much consideration.

6. In their examinations before the Indigo Commission, the ryots expressed their feelings and their determination in language not to be mistaken. Pangee Mulla, when asked whether it would not have been better to sow than to go to prison, answers, "No; I would rather be killed with bullets than sow indigo." * Denu Mundal says, "Let there be profit or let there be loss, I will die sooner than cultivate indigo."† Kulin Mundul, when asked at what price he would sow indigo, if asked to do so by a person in whom he had confidence, answers, "I would sow indigo for nobody, not even for my father and mother." These are fair samples of many such answers, and I am told that those only who witnessed the delivery of this evidence can fully appreciate its effect. The reverend missionaries who were examined, than whom no class exists better acquainted with the feelings of the rural population, unanimously expressed a deep conviction of the strength of the feeling of the ryots on this question. I cite some of their answers in the margin.‡ After what I have just seen with my own eyes, I cannot doubt that the convictions of these gentlemen, solemnly delivered three months ago, are but the reflection of the true state of the mind of the Bengal ryot.

* Answer 3214.

† Answer 1165.

7. A perusal of the evidence taken before the Indigo Commission, and a consideration of the findings of that body as to matters of fact in respect to the ruinously unprofitable and compulsory character of the cultivation, will sufficiently explain why the state of the ryots' feeling should be as above described; but the question which Government must now immediately deal with is, not the cause of this feeling, but the feeling itself.

8. With the Report of the Commission before me, and bearing in mind the remarks of the Right Honourable the Secretary of State on the temporary Act just about to expire, I think I may safely assume that any exceptional law in favour of the system of indigo planting as heretofore practised is out of the question;

‡ Rev. Mr. T. Schurr (Answer 808).—"The ryots are now looking for the action of Government, and confidently expect that they will obtain redress of their grievances; but they declare that if they are disappointed the consequences will be terrible. This is not my imagination, I only state what I have heard. This feeling does not exist in Kapasdunga, but I have heard of its existence from persons from all parts of the district."

Rev. Mr. J. G. Linckie (Answer 918).—"Since the time the Queen took the Government the ryots have been hoping for release, and as there is such a unity amongst them as has never occurred before, they think it is from God, and that the time of relief is at hand, and they also look to this Commission with great hope; but if they should be disappointed none can tell what will be the consequences."

Rev. Mr. C. Bomwetsch.—"Since the Indigo Act most of the ryots have almost lost faith in Government, and their feeling is very sorrowful, and in some instances very bitter."

Rev. Mr. C. H. Blumhardt (Answer 1351).—"Indeed, the law could not be permanently enforced; the ryots would rather die in gaol than sow indigo."

Rev. Mr. J. Long (Answer 1626).—"I can assure the Commissioners that no language can depict the burning indignation with which indigo planting is and has been regarded by the native population. It alarms me seriously for the future peace of India, unless an equitable adjustment of the question is made."

Answer 1654.—"The working of the present Act has created a feeling among all ryots I have come in contact with, of bitter hostility towards the ruling authorities generally."

question ; and it seems to me that under any good system that may hereafter be established no exceptional law will be requisite.

9. I fully agree with the majority of the Indigo Commission in their opinion that an exceptional law, especially one involving magisterial action, would have the worst possible effect even upon the interests of the planters themselves ; and it is right that I should express my belief that were such a law to be passed, there would at once be agrarian risings, of which no man could foresee the consequences.

10. If the Governor General in Council resolves against any special or exceptional legislation, I earnestly recommend the immediate announcement of that resolution.

11. That the conduct of Government, whatever it does, or whatever it does not do, will not be made matter of complaint, by some party or other, is not to be looked for. But if both the substantive law, and the law of procedure, under which unexpired contracts were made, be allowed to continue as they were when those contracts were made, no party can have any just or reasonable cause of complaint.

12. To calm the minds of the ryots, and to secure the tranquillity of the country, it appears to me essential that such a proclamation shall be immediately issued, as will make the ryots feel secure against coercion.

17 September 1860.

(signed) *J. P. Grant.*

From *W. Grey, Esq.,* Secretary to the Government of India, to *W. S. Seton-Karr, Esq.,* Officiating Secretary to the Government of Bengal (No. 2080), dated Fort William, 24 October 1860.

Sir,

I AM directed by the Governor General in Council, to forward in original, for any observations which the Honourable the Lieutenant Governor may wish to make on it, the accompanying letter from the Secretary to the Indigo Planters' Association, dated the 13th instant.

From the Secretary, Indigo Planters' Association, to *W. Grey, Esq.,* Secretary to the Government of India, dated Calcutta, 13 October 1860.

Sir,

THE Committee of the Indigo Planters' Association having at last received from the Commissioner of Nuddea information which they requested from him on the 7th ultimo, they proceed to submit to his Excellency the Governor General of India in Council, the following remarks on the Minute of the Lieutenant Governor of Bengal, dated 17th August, which was communicated to the association with your letter of 31st August.

Although his Excellency has expressed himself satisfied with Mr. Grant's explanations, except on one point, the Committee respectfully beg to observe that Mr. Grant's Minute is not accompanied by any particulars of the cases to which he refers, by which his Excellency's judgment might be guided ; and they therefore beg to submit the fullest details, which they have been able to obtain in explanation. In commenting upon his Honor's Minute, the Committee are desirous of avoiding as much as possible anything like entering into a controversy with the Lieutenant Governor ; still they cannot but express their regret, that the tone of his Honor's Minute, is such as to show how deeply his feelings are affected against the system of indigo planting generally, and the persons who are engaged in that cultivation.

In

In support of this position, the Committee content themselves by simply referring his Excellency to the style, as well as the matter, of one paragraph only, namely, the 5th, which assumes as a granted fact that planters have been in the habit of committing every description of crime and oppression.

The Committee do not wish either to enter into an argument as to the correctness of the Lieutenant Governor's views of the position of the ryot as a capitalist, as they believe that such a theory is one wholly new, and one particularly opposed to the general idea of what constitutes a ryot in Bengal; but they must not be considered as in any way agreeing in the view his Honor takes of this subject, or assenting to his discovery that the ryot is a capitalist as distinguished from a labourer.

The Committee would, however, draw particular attention to one part of the Minute, where the Lieutenant Governor is obliged to confess that the gentlemen he employed in the judicial offices in the disturbed districts were unfit for the common duties of the stations; and the Committee think that such a confession from such authority must necessarily draw the attention of the Executive Government to the necessity of establishing such a system as will give the people a more efficient class of judicial officers, and the Committee would beg attention to this part of his Honor's Minute as supporting the truth of what has long been put forward by the planters as their most serious grievance, viz., the inefficient state of the mofussil courts. His Excellency will have an opportunity in a later part of this letter, of judging of the fitness for the judicial bench of one of them (Mr. J. S. Bell), who is considered by his Honor as so much superior to the covenanted magistrates whom he superseded in their duties.

The Committee consider it as hardly worth while referring to the earnest manner in which the Lieutenant Governor argues as to there being no "confusion," in the districts; they can only say that a publication of the Lieutenant Governor's, dated the 17th September, has led them to believe that the word "confusion" was not strong enough to express the state of the district; and they believe that the mere fact of a vast military force being employed in that part of the country where troops have not been stationed since it came under British rule, proves "confusion;" and they cannot but express their surprise that, at a time when all residents of these districts knew that affairs were daily becoming worse, his Honor should, as he does in the last paragraph of his Minute, refer to the crisis having passed over so peacefully, and with so little injury to the great interest at stake. The Committee can only say that the great interest of the European settler is for the present entirely ruined, and they see but little prospect of European capital being again embarked in the districts of Lower Bengal.

But leaving the general tenor of the Minute, the Committee would beg his Excellency's attention to the prominent cases brought forward by the Lieutenant Governor, on which he lays much stress; and when the Committee show that his Honor has taken statements for granted without fully investigating the cases on which he relies, to found most severe remarks and attacks, not only on the planters, but on his own judicial officers, the Committee believe that his Excellency will attach much less weight to the Minute in question than at first sight would appear to be due to it.

In the 28th para. of the Minute, the Lieutenant Governor refers to the case of the mookhtar who was as stated in the planters' petition, sentenced by Mr. Betts to imprisonment, and a fine for instigating ryots not to sow.

It would naturally be supposed from the comments upon this case, that the man in question, Teetaram Chuckerbutty, was a mookhtar, acting as such on behalf of ryots, and that he was sentenced for exercising his lawful avocations as a mookhtar; and his Honor, on this assumption, would make out that the sentence in question deprived the ryots of legal assistance, and that it was intended to give an advantage to the planters.

The Committee have, however, ascertained that the man, though entitled, perhaps, to call himself a mookhtar, was in fact but an *omedwar* (one seeking employment); that he had never appeared before Mr. Betts as mookhtar; that he was not employed in any way by any ryot on that occasion; that a few days previously he had waited on Mr. Forlong begging for employment in any capacity; and that on the day in question, he was hanging about Mr. Betts' tent, looking out for the chance of anything that might occur, holding no

mookhtarnama, and in fact the ryots whose cases were before Mr. Betts, never consulted him, or referred to him as their legal adviser.

Mr. Betts had for more than two hours been patiently explaining to the ryots their position and liabilities, pointing out to them that the law distinctly laid it down that if they did not complete their contracts they would be subject to imprisonment, and perhaps be cast in damages; and he begged them to retire and think over the matter.

To the former alternative the ryots were inclined to agree, and they retired to some neighbouring trees to consult. The man Teetaram Chuckerbutty went to them then for the first time, and joining in their conversation, advised them to resist sowing, and not to mind the consequences. Information of this was brought to Mr. Betts, who at once had him brought into court, heard the evidence, finding that he was not acting as mookhtar for any of the parties, convicted him of instigating, with evil design, the ryots not to sow.

The Committee admit that the sentence might not perhaps have been strictly legal within the words of the section of the Act as amended and passed, but the mere fact of an error as to the interpretation of the wording of the Act has a very different effect from that which the Lieutenant Governor attributes to this decision, which he erroneously regards as a gross interference with the liberty of the legal agent of the ryots.

His Honor is wholly misinformed as to the ryots in that quarter not being able to obtain the services of legal agents to defend their cases, and it is wholly incorrect to state "that the prosecutors for several days had it all their own way;" so far from this being the case, on the very same day a complaint having been lodged against one really acting as a mookhtar before Mr. Betts, it was at once dismissed by him, on the ground that he could not interfere with the advice that any legal agent deemed it right to give to his client, and Mr. Betts distinctly pointed out to the complainants, that the position of this man was wholly different from Teetaram Chuckerbutty.

The Committee unhesitatingly refer to the records of the court in proof of their assertion, that no mookhtar was deterred from representing ryots in consequence of Mr. Betts' decision, and they are quite at a loss to understand upon whose representation the Lieutenant Governor has been led into so grave an error; and his Excellency will see how serious a matter this is when he observes the frequent and bitter allusions to it in the Minute.

The other case on which his Honor comments, as showing not only misconduct on the part of Mr. Betts, but, what is of far more importance to the Committee, as supporting the grave charges of forgery and perjury against a planter, or at any rate against their subordinates, is that mentioned in para. 32, which he says accidentally came to his knowledge, as one in which Mr. Betts gave a planter a decree against a ryot, on a written agreement, purporting to have been made in 1856, though executed on stamped paper, which on inspection proved to have been sold in 1859.

On investigation, this charge proves to be utterly untrue. The Kuboolyut, or agreement in question, of which a copy and translation is herewith sent, recites that the ryot (Hishabdee Shaik Mundle) who was complained against, was indebted to the factory at the close of the season 1859, to the extent of Rs. 3. 3. 6.; that he had received a further advance of 12 rupees in cash, in consideration of his engaging to cultivate seven beegahs with indigo in 1860 and in the four following years, terminating in 1864, the correctness of the account showing the balance of Rs. 3. 3. 6., and the payment of the advance of 12 rupees in cash was sworn to by the manager of the factory, Mr. Tayler, and proved by Mr. Betts' inspection of the books; and on that evidence Mr. Betts gave the decree against the ryot on the 18th April 1860; and the Committee would draw particular attention to the different years mentioned in that document as those over which the contract was to extend.

On the 27th July 1860, Mr. Principal Sudder Ameen Bell, who is above referred to as being considered superior to the other magistrates, on hearing another case, delivered the judgment, of which a copy is herewith sent, and to which we beg his Excellency's particular attention, as his Excellency will perceive in that judgment he did refer to the Kuboolyut filed in the former case, which is above referred to, and apparently without having made any further inquiries, and certainly without having read the document which, in fact, was not in evidence before him, he gratuitously pronounced the same to be a spurious

ous exhibit, inasmuch as it is dated at the foot in figures, December 1856, when the stamp was sold in November 1859.

The Committee beg his Excellency's attention to the kuboolyut, which requires only the slightest glance to show, that the date of the English year 1856 is only a mistake and clerical error of the Bengali writer; and that it was a kuboolyut for season 1860 to 1864, inclusive, and that the whole text and wording of the agreement unquestionably prove this to be the case. When an error was made in one of Mr. Herschel's purwannahs, that of 19th April, which caused the planters losses that can only be estimated by tens of thousands of pounds, and Mr. Herschel put forward, as his defence, that it was a clerical mistake, and that it was by accident that the obnoxious copy happened to go to the only place where it was likely to do harm, the planters did not refuse to accept the explanation, however opposed to probability.

It would seem, however, that no such feelings of fairness are to be evinced by the authorities towards planters, and that no opportunity is to be omitted to misrepresent and malign them, and this is particularly the case in the present instance, where the record could have at once been called for and inspected, and which in fairness ought to have been done.

The Committee can only hope that neither Mr. Bell himself, whom the Lieutenant Governor designates as the experienced civil judge, Mr. Herschel, the magistrate, who eagerly seized on the case and sent it up, Mr. Lushington, the Commissioner, who reported it to the Lieutenant Governor, nor Mr. Grant himself, ever looked at the document before basing on it the grave charges that are contained in the Minute. Five minutes' inspection would have prevented a most unjust accusation being put forward in an official document, and much of that official document would then have been unwritten.

In para. 357 his Honor, on whom this case seems to have made much impression, again introduces the kuboolyut as the foundation of sarcasm, and a slander on the whole body of planters, in the following words:—

“It must doubtless have been agreeable to planters, when their suits were tried in such a fashion, that decrees were obtainable on agreements purporting to be four years old, though written on stamps which were in the vendors' shops one year ago.”

The Committee respectfully, but most earnestly, beg to submit to his Excellency that such language is as unworthy of a man holding Mr. Grant's high official position, as it has now been proved to be unfounded and unjust; and should his Excellency (as they cannot but believe he will) view the matter in the same light as they do, they appeal to his high sense of honour and fairness to point out to the Lieutenant Governor the propriety of withdrawing the charge as publicly as it has been made.

In the 37th paragraph his Honor replies to the complaint, that was made of his influencing the minds of judicial officers by circulating to all in the districts copy of a decision of Mr. Herschel's, and of a letter from Mr. Lushington on the subject of a charge against the servants of a factory, respecting which Mr. Herschel had at that time made a preliminary inquiry.

The communications referred to are annexed, and the Committee appeal to his Lordship in Council to say if they are not of a nature to prejudice all magistrates against planters.

The Committee have carefully gone into the case referred to, which was sent up for trial to the judge, whose decision was adverse to the servants of the factory; but the Committee do not hesitate to declare their belief that the decision is incorrect, that it was biassed by the proceedings of the Lieutenant Governor, that it will be reversed on appeal, and if Government will publish Mr. Lushington's communications, the proprietors of the concern are prepared to prosecute for a libel, with the object of proving that the allegations are unfounded and untrue.

Beyond defending the body they represent from the grave and sweeping charges brought against them by the Lieutenant Governor, the committee do not desire to contest, or to enter into a controversy on individual cases, but they feel it their duty to protest, on constitutional grounds, against the interference of the Lieutenant Governor, which has unquestionably been exercised to such an extent as to impair if not to destroy judicial independence within the districts under his control. His Excellency will find on inquiry that, upon the abolition of the office of superintendent of police, an officer who from his posi-

tion could not be classed with that of the Lieutenant Governor, or be considered as having any such influence as that of the head of the Government, the supervising control over the proceedings of magistrates pending or disposed of, rests in the hands of the Lieutenant Governor of Bengal; and the Committee respectfully submit that such a power, exercised as it is by Mr. Grant, who is superior to the whole judicial bench of Bengal, and who has complete power over the members of that body, is one that is dangerous to the true interests of justice, and one that ought not to exist; more especially so, when the uncovenanted officers of that body are completely under the control, and hold their offices subject to the pleasure of the Lieutenant Governor alone.

In thus replying to His Honour's Minute, the Committee have avoided as much as possible acting otherwise than in a calm spirit; but although they feel that they are contending with one whose position makes it impolitic on their part to enter into controversy with him, they cannot, consistently with their duty or feeling as English gentlemen, representing a large European Association, composed of many men who have not only invested their all in this country, but have done so in the belief that they would be protected by the leading principles of an European Government, allow such serious charges as these brought by His Honor to pass unremarked upon, and without protesting against the injustice and impropriety of them as they now do; and believing that a different line of conduct on the part of the Government of Bengal would have led to a very different result to that which now exists, they submit these remarks to His Excellency, trusting that the matter is one of sufficient importance to attract to its careful consideration His Excellency's earnest attention.

From *E. H. Lushington*, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Indigo Planters' Association Calcutta (No. 23 A.), dated Alipore, the 27th September 1860.

Sir,

Chundermohun
Chowdry v. Boro-
aunund Sheikh,
and five others.

IN compliance with the request contained in your letter of the 7th instant, I beg to send you a copy of Mr. Bell's decision in the case therein referred to.

DECISION.

ON the 18th April 1860, Mr. Betts upheld the validity of the kuboolyats of defendants No. 2 to 6. At the present stage of the case the *bond fide* of the covenant of Boroaunund Sheikh requires determination. The exhibit is *ex tenore* spurious, and there is not a scintilla of proof to sustain it. The witnesses to deed are all unlettered, and the intrinsic evidence in favour of the covenant is derived from men of very questionable veracity. Sreenath Bisas and Isserchund Ghose are obnoxious to the grave imputation of having forsworn themselves in several other cases, and their testimony is by no means calculated to give probative force to the covenant propounded. In respect of the other defendants, the ruling of Mr. Betts cannot be interfered with, but I would remark *en passant* that the kuboolyat of Hissubdeen Sheikh is on its face a spurious exhibit, for it is dated 10th December 1856, while the stamp on which it is engrossed was sold on 17th November 1859. There can be no doubt that the above defendant has been unjustly saddled with liability, and as no review of judgment is admissible, the matter must remain *in statu quo*. The case was dismissed with respect to defendant No. 1.

(signed) *I. S. Bell,*

Additional Principal Sudder Ameen on Deputation.

17 July 1860.

(True copy.)

(signed) *Sreenauth Ghose,*

Assistant to the Commissioner.

PEERPORE FACTORY.—Mr. A. Taylor, Manager.

| No. of Case. | Name of Plaintiff. | Name of Defendant. | Date of Kuboolyat. | Locality. | Amount of Advance. | Quantity of Land. | |
|--------------|----------------------|-----------------------|--------------------|-----------|--------------------|-------------------|-----------|
| | | | | | | Sown. | Not Sown. |
| 329 | Cundermohun Chowdry. | 1. Boroaunnund Sheikh | 10 Dec. 1859 | Kudimpore | Rs. a. 7 - | | |
| | | 2. Sadoo Gazeer - - | 10 Dec. 1859 | | | | |
| | | 3. Anund Hetsane - - | 10 Dec. 1856 | | | | |
| | | 4. Hissubdeen Sheikh | 10 Dec. 1859 | | | | |
| | | 5. Diljan - - - - | 10 Dec. 1859 | | | | |
| | | 6. Thakoor Shah. | | | | | |

SRI SRI DOORGA AID.

(Copy of Kuboolyat.*)

To the High in Dignity, the Illustrious Mr. James Hills.

Sahib,

I, SREE HESADEE SHAKE MUNDUL, inhabitant of Khadimpore, indite this "*Kuboolyat patro*" for indigo advances in purport as follows:—I am a ryot of the gentleman's Peerpore Indigo Factory, where I receive advances for indigo year by year. I cultivate indigo; deliver the indigo leaves. On a comparison of the indigo advance accounts for the year 1859, credits being deducted, there is a debt against me of Rs. 3. 3. 6., and receiving in cash 12 rupees, and the price two annas for the stamp paper of the "*Kuboolyat*," in all for the present, and the arrears taking Rs. 15. 5. 6. for seven beegas of land of my own desire from the year 1860 up to the year 1864, for the space of time (5) five years, year after year cultivating seven beegas of land, conditioning to deliver the indigo leaves at the factory, hereby indite and deliver this *kuboolyat*, and covenant that year after year, cultivating the said seven beegas of land with indigo, I will deliver the indigo leaves at the factory. The indigo lands "Nal" † yielding abundantly suitable, I will cause to be measured with a "Rosee" 55 yards in length and defined, year after year, completing the cultivation within the 30th March, within the 30th of April, agreeably to usage, sowing down the measured defined lands with indigo, and in due time I will attend to the weeding. I will year after year cultivate each beega of the land under advances with (3½) three and ½ half seers of indigo seed, the price of which for each beega I will pay at the rate of four annas. At the time of weeding, if the indigo be of a fine description, in that case I will take weeding expenses as I may require. On the indigo leaves being ready I will cut the same, make delivery at the factory; the price I will receive will be at the rate of four bundles for one rupee. The bundle to be measured by an iron chain of three and a half ‡ cubits. Should I cut the indigo leaves with the aid of the factory people, whatever may be the expense attending the same, that and should the said indigo be conveyed to the factory by boats and carts under advances to the factory, the charge for conveying the same, at the rate of two rupees for each 100 bundles, will be added to my advance account. During the prescribed period and at the proper time I will cultivate with indigo the land under advance, supplying indigo leaves and indigo seed. Then, if in any year, at the proper time, should I neglect

† A local term, descriptive of the quality of the land.

‡ Hauth is the term in the vernacular.

* An acknowledgment or agreement, the counterpart of a pottah or a lease.

I neglect to sow indigo, in that case you have authority to sow down the said land and my account will be charged with the expenses attending the same. Regarding the sowing of the lands under advances, year after year, in any year if I raise difficulties and be negligent, receiving suitable punishment from the authorities for the same. I will cultivate indigo and supply indigo leaves; and, touching the matter of sowing the indigo lands and supplying the indigo leaves, I will, year after year, be liable for the profits of the manufactured indigo at the rate of 10 rupees for each beega. I will, year after year, gather the seed produced from the lands for which advances are made, convey it to the factory, and separate the same from the pods, for which I will take separately at the rate of eight rupees a maund pukka weight. Should I not deliver the said indigo seed at the factory, but sell it elsewhere, then, whatever be the quantity of the seed, the price thereof, at the rate of 10 rupees a maund, I will pay to the gentleman. Year after year, when the indigo business is completed, the advances, the sowing seed, and weeding expenses and charge for carriage and so forth, being charged agreeably to the "*Hauth cheeta*," a comparison being made, the dues and the amount of advance money for the ensuing season up to the prescribed time, keeping the same fixed, deducting that whatever shall be be receivable, the same will be taken year by year. On the space of time expiring in the year 1865, supplying the indigo leaves, the said advance money I will repay, and the advance money to be repaid by indigo leaves; I will not petition to deposit other money; should I do so it will be disallowed. The conditions of this "*Kuboolotee*" I and my representatives will act up to and observe. To this purport I write and deliver this "*Kuboolotee*," for a prescribed period to receive advances. The end of year 1856 the 10th day of December.

WITNESSES.

Sri Mahdub Rai, Station Peerpore.
 Sri Manejim Shake, of the same station.
 Sri Mokim Mondil, inhabitant of Petumberpore.
 Sri Kanae Shake, inhabitant of Gopalpore.
 Sri Alam Shake, inhabitant (*illegible*.)

Endorsed on the stamp paper, the year 1859, 17th November, Sri Thakoor Doss Chowdry, Station Dregnagore, Zillah Nuddea, through Sree Moty Roy of Goaree. No. 3, price 2 annas. (Translation by John William Brown, translator, Her Majesty's Supreme Court, 13 October 1860.)

From *E. H. Lushington*, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal (No. 133 Ct. dated the 15th May 1860.

Sir,

I have the honour to submit, for the perusal of the Lieutenant Governor, the accompanying statement in original, of a case for a breach of contract, tried and decided by Mr. Herschel, Officiating Magistrate, under Act XI. of 1860.

2. In the propriety of that officer's decision in dismissing the case, I entirely concur, though I think he might have gone further and given damages against the complainant under Section IV. of the Act.

3. My object, however, in submitting the record, is to afford the Lieutenant Governor an opportunity of judging from actual facts, of the system on which, in this instance, the factory accounts appear to have been kept; of the manner in which the advances to a number of ryots are asserted to have been conducted; and of the gross attempt to establish proof of their having been made, by the production of evidence of the most weak and worthless description.

4. The name of the factory is Peerpoore, one of many forming the large concern of Messrs. Hill & Co., whose general manager is Mr. Forlong: and the assistant in charge of this particular factory is Mr. Saubolle, who appeared as the chief evidence for the prosecution.

5. The

5. The case now under notice is peculiar, as it was brought up with apparently the most complete proofs which could be possibly required; there were the books of the factory, written *kuboolyuts* with direct evidence to their preparation at the time of making the advances, and the payment of the advances; and every one of these proofs completely, entirely, and, I may add, disgracefully broke down.

6. I will not trespass on the Lieutenant Governor's time by recapitulating the particular points of failure in each instance, but the Lieutenant Governor will see from the record that the *purtunjat* (an account of the advances paid to each *ryot*) was never brought for Mr. Saubolle's signature by the factory servants till the 1st March, though the advances were purported to have been paid on the 18th September. The book itself was to all appearance as if it were only a week old, with clean edges and unruffled red cloth* cover, while the writing looked as if it had been written continuously, instead of the entries being jotted down opposite each name as payments were made. Lastly, the daily cash book turned out to be no daily cash book at all, payments nominally of 13th September not being entered till the month following.†

7. With regard to the *kuboolyuts*, some are asserted to have been written by a hanger-on of the factory, who had never written one before; some by a man, a matmaker by trade, who happened to call at the factory on that day, when he received a fresh order for more mats, with four annas cash advance; and some by a person who went to the factory to learn his business as a writer. Both the last-named persons admit having given evidence before; and one so frequently in both civil and criminal courts, that he cannot remember how often.

8. In addition to the exceeding incredibility of such evidence, the Lieutenant Governor will observe that Mr. Herschel considers that the *kuboolyuts* bore internal evidence of their utter falseness, and I must say that I think he was fully justified in forming such a conclusion.

9. If the Lieutenant Governor see fit, I would respectfully beg that the original Enclosure may be returned to me as soon as possible, with seven or eight printed copies, as I should like to send a copy to all officers under my control employed in trying cases under Act XI. of 1860, pointing out at the same time how necessary it is to follow Mr. Herschel's example in patiently and thoroughly sifting all the evidence which in such cases may be brought before them.

From *A. R. Young*, Esq., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division (No. 2708), dated Fort William, 23 May 1860.

Sir,

I AM directed to acknowledge the receipt of your letter (No. 16), dated the 18th instant, submitting copy of a decision by Mr. Herschel, officiating magistrate of Nuddea, in a case of breach of contract, in which the *kuboolyuts* brought forward to support the charge were found to be forged.

2. The Lieutenant Governor does not understand on what ground Mr. Herschel determined not to enforce the penal section of the Act against the plaintiff in this case, as he announced his intention to do in all other similar cases.

3. If possible, the person responsible in this case should be put on his trial on the criminal side, for endeavouring to support a false claim by a forgery.

4. Printed copies of the decision referred to in your 2d paragraph have been already forwarded to you, for circulation among the officers in your division empowered to try cases under Act XI. of 1860; and the accompanying 10 printed copies of Mr. Herschel's present decision are also forwarded for the same purpose.

* See Report of Indigo Commission, Questions 3305, 3306, 3307, and 3505.—W. F. F., Sec. I. P. Assoc.

† See Report of Indigo Commission, Questions 3039-40, 3305, and particularly Question and Answer 3505.—W. F. F., Sec. I. P. Assoc.

From *J. S. Bell, Esq.*, Additional Principal Sudder Ameen of 24-Pergunnahs, to *W. S. Seton-Karr, Esq.*, Officiating Secretary to the Government of Bengal (No. 1), dated 3 November 1860.

Sir,

* No. 329.
Chunder Mohun
Chowdry, plaintiff,
versus
Boronund Sheikh
and others, defend-
ants.

As the Indigo Planters' Association have thought proper, in their letter to the Government of India of the 13th ultimo. to call into question my judgment in the case noted in the margin,* I beg to submit, for his Honor the Lieutenant Governor's satisfaction, the following remarks, which I trust will vindicate my proceedings.

2. The Indigo Association would wish to make it appear that they have cleared up all that was dark and equivocal in the above case, but the arguments advanced for that purpose are by no means such as would satisfy the judicial mind.

3. Their explanation is, that the terms of the agreement bear internal evidence that the date of the English year was a clerical error, the Bengali writer having written 1856 instead of 1859, and that ordinary consideration of the document would have led to the discovery of that circumstance.

4. Having maturely considered the agreement in question with reference to all the surrounding circumstances, and in connexion with similar agreements produced in exhibit by the same factory in other similar cases, I considered that the error in the date was not a clerical error of the amanuensis, but an error natural to a fabricated agreement, in which the date was too probably left to be filled in at any time. I would merely refer to those other agreements put forward by the Peerpore Factory for 1859. The Association say that this particular agreement should bear that particular date. Taken together with those kuboolyuts which were dated in 1859, and of which the parties alleged to have executed them were long previously deceased,† I am still of opinion that substituting 1859 for 1856 would do little to set up the genuineness of the instrument.

† Vide para. 9.

5. Habit might lead to a person putting the month or year just expired to a letter or memorandum at the commencement of a new year or month, but to enter the date 56 for 59 at the end of a year, is beyond a mere default of memory, and is a circumstance not susceptible of any reasonable explanation, other than that a party had to fill in a date in a hurry. Another agreement was actually left blank for this purpose, 18 being entered to indicate the century, but the other figures to indicate the year being left entirely blank. The

Bengali figures, moreover, are such as could not account for such an error in the year being made.

Paper, if of a date known to be posterior to the date apparent on the face of the instrument, a certain proof of spuriousness.

6. In order to give a fabricated deed a particular date, the date of the sale of stamp paper is sometimes altered by unscrupulous men to meet the exigency of the occasion, but an error in so material a matter as the date of a deed, a document which in itself imports deliberate and careful execution, seldom if ever occurs; for a correct date is essential to the validity of a contract, and is one of the marks of its authenticity.—*Vide Bentham's Rationale of Evidence*, vol. 7, p. 181.

7. Carrying on the comparison of the kuboolyut in question with others produced by the same factory, I would beg reference to the tabular statement in the margin,‡ which will show that actions were preferred under the Act in the first half year of 1860 upon kuboolyuts, which bore date the 9th and 10th December 1860. Were these also clerical errors? I will here merely add that during my long judicial experience, deeds in such a predicament never before came under my review.

‡ *Peerpore Factory.*

| Number of Cases. | Name of Defendant. | Date of Kuboolyut. | Date of Decision. |
|------------------|----------------------------|--------------------|-------------------|
| 504 | Khodee Mallah - | 9 Dec. 18— | 18 July 1860 |
| 6 | | | 2 |
| 9 | | | 5 |
| 506 | Boldnath Chund Ram-Sunder. | 10 Dec. 1860 | 19 July 1860. |
| 612 | Kumul Mundal - | 10 Dec. 1860 | 19 July 1860. |
| 506 | Bhuggy Sheikh - | 9 Dec. 1860 | 18 July 1860. |

8. From a review of numerous cases, I arrived at an

an impression, that, to meet the particular exigency of the times, and to coerce the ryots, a vast number of kuboolyut was called into existence, to which the ryots were not assenting parties; and in order to accomplish this, agreements were fabricated and fictitious details of account were entered in written forms prepared for the occasion, the date of the year being left blank, to be hereafter filled up at leisure; but the pressure of work left the factory amlah insufficient time to read through all the writings. Thus fictitious dates were affixed to agreements to which they were wholly inapplicable, plainly indicating the gross spuriousness of the instruments themselves. I would here call special attention to the agreement already referred to in para. 5, from which it will be seen that the date of the year of the deed is left blank, the numerals 18 only appearing. Is this also a clerical omission?

9. The decisions noted in the margin* will show the spurious character of the kuboolyuts put forward by the Peerpore Factory.

Execution of the deeds in both cases was solemnly sworn to by the factory amlah. It will scarcely be credited, that both the ryots were dead some time before the date of the deeds they were said to have executed. Not only was the fact ascertained under the usual processes of court, but petitions were put in by Mr. Taylor, through his attorney, admitting the demise of the defendants, and that the sons† of the deceased parties had taken the advances. The petitions are signed by Mr. Taylor; and it appeared to me, while making these statements, Mr. Taylor must have forgotten the fact that kuboolyuts had been put in and sworn to by native witnesses, and that it was set forth in the plaints that the defendants had received advances, and executed the kuboolyuts filed!!!

| Number of Case. | Name of Defendants. | Date of Kuboolyuts. | Date of Decision. |
|-----------------|---------------------|---------------------|-------------------|
| 666 | Sohur Mallik | 9 Dec. 1859 | 18 July 1860. |
| 667 | Sekunder | 10 Dec. 1859 | 24 July 1860. |

† Nusseer Mullik, son of Sohur Mullik. Gopal, son of Sekunder.

10. The Planters' Committee declare that I gave an *ex cathedra* opinion on the merits of a case not before me, and gratuitously pronounced the kuboolyut of Shesaboddeen Sheikh spurious, the validity of which was upheld by Mr. Betts. In making such a statement, the Committee have lost sight of the fact that the case was one against several defendants, and the parol proofs were identical. Mr. Betts decided *quoad* five defendants, and I had before me the same case *quoad* the remaining defendant. I went thoroughly into the case, and found that the evidence of the witnesses to the kuboolyut was never offered or adduced, and consequently the deed was never proved. Two outside witnesses were brought forward, instead of the primary evidence of the case, to speak to the execution in general terms, such secondary evidence being quite worthless in the presence of primary evidence withheld; and I have no doubt that every judge in the country, with all the facts before him, would arrive at the same conclusion with myself, and reject this kuboolyut as false and fabricated. It would be out of place for me to allude to the proceedings of another officer whilst vindicating my own.

11. It has always been contended that the planters' oath to an advance was sufficient to establish claim. They, however, on being asked to support the kuboolyuts, declined to do so, on the ground of that being the gomashah's affair, and would never swear to their execution or their being *bona fide* deeds in any single case, although invariably as plaintiffs they did not hesitate to put them forward as *bona fide* exhibits on which their claims were founded. It is assuredly a peculiar system of management that leaves the execution of the important kuboolyut to the gomashah, and the payment of the advance only to the planter, who accordingly has no knowledge whether the ryot has come under any legal obligation.

12. Under the above circumstances, though I was prepared to give every weight to the evidence of European gentlemen in their cases, it was impossible to admit that their evidence on other points made up for their silence on the important question of the validity of the documents, or altogether outweighed the suspicious circumstances which appeared during the trial to indicate that the deeds had been fabricated to meet the occasion.

13. Such being the character of the agreements of the Peerpore Factory, as ascertained

| Number of Case. | Date of Decision. |
|-----------------|-------------------|
| 962 | 13 July 1860 |
| 666 | 18 July 1860 |
| 504 | 18 July 1860 |
| 506 | 18 July 1860 |
| 596 | 19 July 1860 |
| 612 | 19 July 1860 |

Case No. 329 was decided on 27 July 1860.

ascertained from the cases noted in the margin, and which had been so recently decided, it was impossible to believe that the year 1856 in Shesaboddeen Sheikh's kuboolyut was a clerical error in natural sense, neither was the judgment of another binding upon myself to exclude my opinion upon the merits of the case.

14. I have hitherto confined my observations entirely to the kuboolyuts of the Peerpore Factory, because I have had to deal with the remarks of the Indigo Association, which bear on matters connected with that factory. But to prevent all misconception, it may not be out of place to state that the Peerpore Factory was not singular in the spurious nature of its exhibits, and to illustrate what I mean, I will quote the following cases :

| Number of Case. | Name of Defendants. | Date of Kuboolyuts. | Date of Decision. |
|-----------------|---------------------|---------------------|--|
| 775 | Bholy - | 12 Jan. 1860 | 18 July 1860.— <i>Vide</i> also Miscellaneous Order of 4 September 1860. |
| 777 | Modhoo - | 12 Jan. 1860 | - - id. |

Two Kuboolyuts were put forward by the Ruttunpore factory in cases Nos. 775 and 777. The planter swore to the fact of the advances having been made, and produced his English account book, in which the advances are recorded. The amlah of the factory swore to the execution of the kuboolyuts, but from evidence adduced, and a searching local investigation, it was established that the men to whom the execu-

tion of the agreements was attributed had died long before the date of the exhibits. Ere I left the district I made over these cases to the magistrate for criminal prosecution.

15. The Indigo Association have laboured to show that Tetooram Chuckerbutty was not a mokhtear during the time Mr. Betts was at Damoorhooda. Personally, I know him in no other character than that of an attorney for the ryots. The records and register of decided cases in my court will verify this fact.

16. As the Indigo Association are anxious for facts, I would state that Mozdeen Mahta was the person who was unjustly incarcerated for nearly three months, although no decree was passed against him ; after due inquiry he was released by me. Tilock Puramanick's property was sold, although no award had been passed against him.

17. The Indigo Association would deprecate entering into controversy upon individual cases, but they do not hesitate to assail public officers on the basis of an individual case. I have however no wish, needlessly, to enter into a controversy, and crave indulgence for having trespassed upon the Lieutenant Governor's time; but after the violent attack the Indigo Association have made on my judicial character, I have felt it my duty to show not only that the Association were in error in supposing that the deed was a good one, but also that the case itself was no exceptional one. That I had others to deal with, in which the deeds were equally questionable, and which are not open to the explanation the Association have endeavoured to pass on the one now under notice.

18. Such then was the character of some of the cases I had to try; besides these I could enumerate others equally false, in which loathsome lepers, infants, men so bedridden from age or disease as to be unable to walk, and who were brought in carts and doolies, and whom it was necessary to prop up in court, when their case was under trial, were charged with having received advances under covenant to sow and deliver indigo plant !!!

19. In conclusion I would only further add, for his Honor the Lieutenant Governor's information, that the words *bona fide* and *intrinsic* in the copy of my judgment * in case No. 328, published in the public papers, are not in the original. The words there are *bona fides* and *extrinsic*.

* Dated 27 July 1860.

From *E. H. Lushington*, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal (No. 309 Ct.), dated 7 November 1860.

Sir,

I HAVE the honour to submit, for the information of the Lieutenant Governor,* the accompanying copy of a report from the officiating magistrate of Nuddea, relating to some cases under Act XI. of 1860, in which it would appear that forgery and perjury had been very largely practised in the attempt to prove that certain ryots had executed covenants to sow and cultivate indigo. * No. 256, dated 28 October 1860.

2. I have sent back the case of Hesabdi Sheikh to Mr. Herschel, referred to in his 1st paragraph, and hope to be able to report the result of his inquiry as to the genuineness of the kuboolyut in the course of a few days.

P.S.—For the word “conviction,” at the close of the marginal note of Mr. Herschel’s 5th paragraph, I presume the correct word should be “commitment,” as I have not heard of the cases having been actually tried at the sessions.

From *W. J. Herschel*, Esq., Magistrate of Nuddea, to the Commissioner of the Nuddea Division (No. 256), dated 28 October 1860.

Sir,

I HAVE the honour to request that you will return me the papers of the case of Hesabdi Sheikh, forwarded to you with my memorandum, No. 118, dated the 20th September 1860.

2. This case was quoted, I perceive, by the Lieutenant Governor as an instance in which the forgery of a deed of contract to sow indigo was manifest on the face of the document itself. The Indigo Planters’ Association, however, have declared their firm belief that it is genuine. The case in question cannot unfortunately be brought to direct trial, as it was out of Mr. Bell’s power to commit it to me, Mr. Bell’s decision in the case having been final.

3. But as the Association have declared their desire, while firmly defending their constituents from libel, to mark their displeasure if it should appear that any concern has really employed forgery in support of its cases, I take the only opportunity which can be of use to record generally the evidence hitherto obtained, which creates such a strong impression that forgery has been used by Mr. Hill’s concern.

4. The first kuboolyuts which were presented to me, from it, were pronounced by myself to be forgeries on the evidence of the case itself, and the parties concerned were committed for trial, and convicted of forgery and perjury by the sessions judge. The case was sent up just as it lay before me, and the judge, rightly perhaps, refused to allow evidence, which was subsequently obtained, that the stamp papers on which the kuboolyuts were written were also forgeries. Had this evidence been obtained earlier, I can hardly suppose that any appeal would have been made from the sessions.

5. The next cases which came before me were those committed by Mr. Bell, of which I annex a list.*

6. Case 506 (ryot charged, Bhogai Sheik). This ryot was stated by the plaintiff’s witnesses to have given a kuboolyut on the 10th of December 1859; the

* A few of them only will stand commitment, owing to the conciseness with which it was necessary to take down the evidence in each case. In many cases, indeed, it is not even possible to prosecute any one for “uttering forged documents,” the planter plaintiff having, without one solitary exception, distinctly refused to connect himself in any way whatever with these documents; while in others, even the Gomashtahs have avoided all reference to them in their depositions. In the following cases, however, sufficient evidence has been collected for conviction.

the kuboolyut itself, however, bears date 10th December 1860. The stamp paper on which it is written has a forged endorsement on it. It purports to have been sold on the 4th September 1859, whereas the vendor's book shows that no stamp paper whatever was sold on that date. On the 5th, indeed, a paper precisely similar (except as to the handwriting of the endorsement), to that of the kuboolyut was sold to one Tazim, who bought 16 sheets; these 16 sheets have been traced and have all been recovered; they bear the real date, 5th September. The sheet corresponding to the forged paper in this case is still blank, Tazim not having had occasion as yet to use it. The error in the dates shows that, when it became necessary to antedate the sale of the paper, reference was made to the vendor's book, and the date, "5th September," must have been overlooked in running the eye down the entries.

7. A case almost precisely similar has been discovered in the course of this inquiry, but as Mr. Bell did not commit it, it cannot be prosecuted. In this (the case of Khudi Sheikh) the genuine stamp, of which the paper of Khudi's kuboolyut is an erroneous imitation (the date of endorsement being again wrong), has been traced out, and been found to be already in use as a bond between the real purchaser and his debtor. The purchaser in both cases declares he knows nothing whatever of the factory people, or why they have used his name.

8. In case 596, Boydinath was said to have given a kuboolyut, on the 10th December 1859. This also is dated the 10th December 1860. The paper on which it is engrossed is a forgery, though the endorsement bears the correct date, 22d September, on which the corresponding genuine paper was sold.

9. In case 612, Kamal Sheikh was said to have given a kuboolyut on 10th December 1859. This also is dated 10th December 1860. The endorsement is a forgery, and an incorrect one, being dated 22d September, whereas the paper of which it was intended to be a counterfeit was sold on the 24th September.

10. In cases 659 *versus* Roshan Sheikh.

660 „ Abodee.

666 „ Shokor.

The kuboolyut in the first case, though stated in evidence to have been given in 1859, is dated 1850, a date as inconsistent with the text of the document as in the case quoted by the Lieutenant Governor, but none the less a forgery on that account, if any connexion be allowed to exist between the text and the stamped paper on which it is written, the latter being evidently a forgery in this case.

So also the kuboolyut, in the second case, 660, is dated 1860, erased and changed into 1859, while the third kuboolyut, purporting on its face to have been given by Shokor in person, and sworn to have been so given by his witnesses, was afterwards stated to be a mistake, on discovery of the fact that Shokor died three years ago.

11. I observe, by the way, that this is a very different mistake from that of entering dead men's names in account books, for which there is always the excuse that it was convenient for private record to keep the old names on, with the new ones paired on to them. But convenience could never suggest the force of allowing a contractor to continue to sign bonds year after year in the name of his dead father only.

12. Taking the above cases into consideration, I have little doubt that the kuboolyut, in the case of Hesabdee Sheikh, will turn out, on inspection, to be engrossed on forged paper.

LIST of Cases committed by Mr. Bell to the Magistrate for Investigation, on the charges of Forgery and Perjury.

| Number of Case. | Ryot charged. | |
|-----------------|-------------------------|--|
| 389 | Boremanundo Sheik | Case not here at present, or at least not obtainable, owing to the record keeper being absent. |
| 506 | Bhogai Sheik - - | Kuboolyut, dated 10th December 1860. Mohurir of the factory who wrote the kuboolyut committed. |
| 596 | Boydinath - - | Part of the record with the Commissioner. Kuboolyut dated 1860. |
| 612 | Kamal - - | Part of the record with the Commissioner. Kuboolyut dated 1860. |
| 659 | Roshan Sheik - - | Kuboolyut dated 1850. |
| 660 | Abadee - - | 186 erased, 1859. |
| 667 | Sakunder - - | Dead three years ago; sworn to having personally signed the kuboolyut. |
| 666 | Shahor Malik - - | Dead three years ago; sworn to having personally signed the kuboolyut. |
| 775 | Bholai Gharami - - | Both dead long ago; but record of evidence too concise. |
| 777 | Jadhoo Modhoo - - | |
| 962 | Milan Mondol - - | Cases in record room. |
| 1846 | Saphal Pyar Jotedar - - | |
| | Hisabdee Sheik - - | Case with Commissioner. |

20 October 1860.

(signed) W. J. Herschel,
Magistrate.

From W. J. Herschel, Esq., Magistrate of Nuddea, to the Commissioner of the Nuddea Division (No. 260), dated the 8th November 1860.

Sir,

I HAVE the honour, as requested, to state (as I believe I did demi-officially to Mr. Grote at the time), what was the effect of the imprisonment by Mr. Betts, of Tetooram Chuckerbutty. Mr. Maclean, who was then in charge of Damoorhoodah, informed me that immediately after the sentence was passed, every Mokhtear who was on the side of the ryots left the spot, saying, "that was evidently no place for them." One man, however, was unable to get away for want of bearers, and was immediately pointed out to Mr. Betts as an instigator by the planter's people. Mr. Betts, however, saw no grounds for proceeding against him.

2. The departure of the rest, however, caused Mr. Maclean great inconvenience in trying his own cases, and it was several days before he could get the Mokhtears to go back.

3. On the news of Tetooram's imprisonment reaching Kishnaghur, the Mokhtears in my own court, who were defending the ryots, refused to act any longer, and continued to do so till I informed them that I had already sent the case up to Government.

From the Officiating Commissioner of the Nuddea Division to the Officiating Secretary to Government of Bengal (No. 976 A), dated Camp Muneerampore, November 25th 1859.

Sir,

I HAVE the honour to submit, for the information of the Lieutenant Governor, copy of Letter, No. 264, dated 20th instant, from the Officiating Magistrate of Nuddea, reporting on the kaboolyut of Hesabdi Sheikh, which was referred to in the Lieutenant Governor's Minute, as dated 1856, but engrossed on paper 1859.

Mr. Herschel's inquiries appear to have been confined to the question of the paper being a forgery or otherwise; and though he has not been successful in probing

probing the matter to the bottom, quite sufficient appears to have been discovered to warrant the belief that the papers on which the kaboolyut was written was not that purchased from the stamp vendor on 17th November 1859.

With regard to Mr. Herschel's intention to make full inquiries with the general question of the forgery of the kaboolyuts filed with Act XI cases, I beg to take this opportunity of mentioning that, on an examination of the sale of stamps for the last few years in Kishnaghur, a sudden rise of several hundreds, I think about 3,700 of two-annas paper, and of 1,400 four-anna papers have been found to have taken place during the few months when the law for the enforcement of indigo contracts was in action.

From *W. J. Herschel*, Esq., Magistrate of Nuddea, to the Commissioner of Circuit, Nuddea Division (No. 264), dated the 20th November 1860.

Sir,

I HAVE the honour to report that having yesterday received back the original document filed as the kaboolyut of Hisabdee Sheikh, and dated 1856, on paper sold in 1859, I have compared it with the vendor's book, and find that it agrees as to name and date and number; but the writing is not in the hand of the stamp vendor, who has denied on oath that it is his writing or signature, whereas the entry of that date in the book itself is in the vendor's hand. The paper sold on the date in question, 17th November, was moreover bought apparently on the application of a mahajan, as it was stated to be required for a "tamsook," and not for a kaboolyut. I cannot positively pronounce the paper a forgery, because the vendor admits that he has occasionally allowed others to endorse paper for him, and it is impossible to procure the real paper sold that day, because the purchaser was a mokhtear's servant, and no trace of the paper can be obtained from the mokhtear. I am making full inquiries into the general question of the forgery of these kaboolyuts, of which a further report will be subsequently submitted. The vendors are of course putting every obstacle in the way. Every inquiry hitherto made only adds to my conviction that the greater part of the kaboolyuts prosecuted under Act XI. of 1860 were forgeries.

From *W. S. Seton-Karr*, Esq., Officiating Secretary to the Government of Bengal, to *W. Grey*, Esq., Secretary to the Government of India, Home Department (No. 6303), dated the 24th November 1860.

Sir,

I AM directed to acknowledge the receipt of your letter (No. 2080) dated the 24th ultimo, and to forward a minute recorded by the Lieutenant Governor on the subject of the last complaint made by the Indigo Planters' Association, with appendices, for the consideration of the Government of India.

2. The reply of the Lieutenant Governor would have been forwarded at an earlier period, had it not been necessary to make some references to the local authorities.

The original enclosures are herewith returned.

MINUTE.

Secretary to Government of India, dated 24 October 1860, No. 2080, including a letter from Secretary to Indigo Planters' Association, dated 18 October 1860.

1. ALTHOUGH Mr. Herschel's letter of the 7th November leads me still to expect a further communication from him connected with the subject of Mr. Fergusson's letter, I think it better to delay

no longer the remarks I have to offer on that letter, founding them on communications I have already received from Mr. Herschel and Mr. Bell.

2. I regret very much the necessity which obliges me to say anything more on this subject, as it is hardly possible, in defending what has been so roundly attacked,

attacked, upon what I believe to be no good grounds, to avoid everything that may be misunderstood as opposition and antagonism to gentlemen for whose present (but, as I trust, only temporary) difficulties I feel very sincerely. From the first sign of the general rupture between planter and ryot which has occurred, I have had but two principles ever in my mind; one, that equal justice should be done to both parties, and that to both should be secured that fair and lawful protection of his rights, his person, and his property, to which every subject of Her Majesty has an equal and an indefeasible title; the other, that everything should be done that justice to others would permit and that properly could be done, to make the break-up of an unsound system, which in the natural course of things had now become inevitable, as little of a calamity as possible to those whose interests were involved in its fall. With these feelings, I much wish that the necessity of recurring to what cannot but be matter of irritation had been spared me; but others have been attacked as well as myself, who have a right to a vindication; and a reply to Mr. Secretary Grey's letter, conveying the remarks of the Association on my minute in answer to their first complaint, is unavoidable. I will endeavour to confine my part of this reply to the narrowest limits possible.

3. The committee of the Indigo Planters' Association have been led to conclude that my feelings are deeply affected against the system of indigo planting generally, and the persons who are engaged in that cultivation. It would be vain, even if it could be justifiable, after the publication of the Government records relating to the dispute between ryots and planters, and of the evidence taken by the Indigo Commission, to attempt to conceal the fact that, whilst in Behar, the North Western Provinces, and Madras, nothing objectionable in the manner in which this trade is conducted is apparent, there have been grievous abuses in the indigo system in operation in Bengal; and that the faults of this system, wherein it differs from every other commercial enterprise in India, are the sole cause why this branch of trade in Bengal, and this branch only, in all India, is now in disorder. Certainly, if the "style and substance" of the paper objected to show that I severely condemn these abuses and faults, and that I regard their removal as a paramount duty both to the ryot of Bengal and to the honour of the British Government, they show my feelings truly. But if they fairly lead to the inference that I am hostile to indigo planting, apart from the abuses and faults of the old system peculiar to Bengal proper (and especially if they make it appear that I have any feeling against "the persons who are engaged" therein, for many of whom I have a sincere respect and esteem), I can only express my regret that I have so written as to have been so misunderstood. I cannot, however, myself discover a word in the paper objected to against indigo planting on sound commercial principles, or a word calculated to give personal offence; and I do discover unmistakeable expressions in that paper which are in the contrary sense. It will be remembered that I did not spontaneously write one word of the Minute now impugned. As to style, it was a vindication forced upon me of measures that had been severely attacked, and attacked, as I believed and believe, on no good grounds; and as to substance, I had no choice but to relate the facts as they were and as they were shown to be by the record.

4. The committee, in the present letter, observe that I have been obliged to confess that gentlemen I employed in the judicial offices in the disturbed districts "were unfit for the common duties of their stations;" and this they advance as a ground in proof of the inefficient state of the mofussil courts. But here the committee have confounded the judicial offices as they normally exist, and the ordinary mofussil courts with the special and temporary measures adopted last season, which were of a very exceptional nature, in favour of the planter exclusively.

Had it been thought right to leave the questions in dispute to the ordinary law and the ordinary mofussil courts (which however remained open to the planter had he chosen to resort to them), the hasty decisions would not have been passed, and the judicial unsteadiness under clamour would not have been shown, of which the ryot in too many instances, but the planter in no instance, has had to complain. It is not to be now questioned that the removal, for this occasion, of the wholesome check of appeal was a mistake; but appeal exists, and always has existed, in the ordinary mofussil courts, and the result of this

experimental removal of it will be a lesson. So, also, in the ordinary mofussil courts, officers, subordinate to district magistrates, of no experience in civil justice, are not judges upon the whole matter of action in difficult civil suits, which, by the exceptional law in question, as it was finally passed, they were for the moment made. In circumstances of almost unprecedented difficulty, the higher district officers, as a body, and upon the whole, have done admirably well. They would have just cause of dissatisfaction with me if, in noticing this remark of the Committee of the Association, I failed to record my high opinion of their conduct throughout the crisis. I earnestly hope that much higher approval than mine will be accorded to them. To argue against official competency generally, and the efficiency of courts in their normal condition, because some of the assistants and deputy magistrates, whose proper business it is to look after the police in subordination to the district magistrate, and to conduct minor criminal trials appealable to the judge, failed when placed, at a time of great excitement and clamour, in a position of great responsibility, quite new to them, and of great difficulty, is, I submit, to argue unsoundly.

5. The Committee of the Association name to His Excellency in Council Mr. Bell, an experienced principal sudder ameen, of high character, whose fitness for the judicial bench I understand them to question, on the ground of his decision in a certain case. Mr. Bell has answered for himself, and his Excellency in Council will pronounce upon the justice of the charge against him. The particular case mentioned will be noticed below. For myself, I am happy to record it as my opinion, that the public confidence in Mr. Bell, as a good judicial officer, will be increased rather than diminished by his answer to this imprudent imputation.

6. The committee next allude to the fact of what they call "a vast military force" employed in Nuddea and the neighbouring indigo district, as evidence of confusion therein. From the outset, I made it my first object to protect the factories from violence, and to preserve the general peace, for which purpose I desired to be stronger in the dangerous quarter than was apparently necessary, rather than be too weak to secure the object. With the chance of a general agrarian insurrection to provide against, prudence seemed to demand this. But the strength of the military force employed is, I have reason to believe, strangely over-estimated generally. Unfortunately, in no part of the Lower Provinces of the Bengal Presidency, whatever emergency may arise, has the Government of Bengal a "vast military force" available. For 43 millions of people the number of troops, European and Native, in these provinces, does not exceed about 19,000 men, besides 8,600 men of the Civil Police Battalions, and 600 Police Sowars. In the two great indigo districts of Nuddea and Jessore, taken to contain 1,913,909 inhabitants, the force of troops and military police at this moment is—

| | | | | | | |
|------------------------|---|---|---|---|---|-------------|
| | | | | | | <i>Men.</i> |
| Native Infantry | - | - | - | - | - | 480 |
| Bengal Military Police | - | - | - | - | - | 977 |
| Total | | | | | | 1,457 |

This is one soldier or military policeman for every 1,313 souls; and it is, certainly, anything but a "vast military force." Such as it is, however, I am truly thankful that its presence has sufficed to keep the country, throughout the entire quarrel and excitement, perfectly quiet. With the concurrence of the Commissioner of the Division, the Native Infantry are about to be immediately removed.

7. The Committee of the Association next impugn my statement in paras. 28 and 29 of my former minute of the case of the Mookhtar Teturam Chuckerbutty, whose release by me from imprisonment under an illegal sentence, had been made a very prominent matter of charge by them against me. The case was first reported in Mr. Grote's letter of the 21st of April 1860. On again referring to the papers in the case, I find the statement made of it to have been perfectly correct. I did not say that the man had appeared before the deputy magistrate in his capacity of mookhtar; the cases had not come on when he was sentenced. But he was a mookhtar. In his own answer to the deputy
magistrate

magistrate at the trial, as abstracted by Mr. Herschel upon the back of the deputy magistrate's return of the case, and reported by Mr. Grote to me, he said, "I am the mookhtar of the ryots, and was only acting legitimately as such in what I said to them;" and this is the substance of the full translation of his answer afterwards obtained. The first witness for the prosecution designated him as "Mookhtar Teturam Chuckerbutty;" so that not only was he a mookhtar, but the deputy magistrate knew that he was. Nothing of this is contested by the deputy magistrate in his explanation. Mr. Bell, the principal sudder ameen, in the appended paper states that he knew Teturam only as "an attorney for the ryots," which the records of his court, he says, will show him to be; and irrespectively of the facts of his being a mookhtar, and of his being, as there is no doubt he was, about to defend the very cases of the ryots about to come before the deputy magistrate, it is admitted by the Committee themselves, as now advised, that what he was sentenced for was no legal offence in any one.

8. Then the committee affirm that I was wholly misinformed as to the ryots in that quarter, in consequence of this unlawful imprisonment of the mookhtar not being able to obtain the services of legal agents to defend their causes (for several days), and that the prosecutors then had it for several days all their own way; and they say "they are quite at a loss to understand upon whose representation the Lieutenant Governor has been led into so grave an error." Unfortunately, there has been no error. I was informed of the fact by Mr. Grote reading to me a letter from Mr. Herschel. I now append an official letter from Mr. Herschel, formally recording the circumstances. This letter shows that when I wrote my former minute, to which the committee object, I had not a knowledge of all the bad effects of the illegal and unjust sentence of this mookhtar, and therefore that I did not describe them so strongly as they should have been described. Not only, at Damoorhoodah, did every mookhtar who was on the side of the ryots leave the spot after the sentence was passed, saying "that was evidently no place for them" (except one man unable to get away for want of bearers, who was immediately pointed out as an "instigator"), and not only was Mr. Maclean consequently put to great inconvenience in trying his cases there, it being "several days before he could get the mookhtars to go back," but, on the news of the sentence reaching the Sudder Station, the mookhtars of Mr. Herschel's own court, who were defending the ryots, refused to act any longer, and continued to do so till informed that Teturam's case had been reported to Government.

9. The next, and the only other case of which the committee impugn the treatment in my former minute, is that noted on the margin. One of the complaints against me was that I had removed four officers named, from the indigo districts, improperly, and to the prejudice of the planters. My answer to that complaint was that I had removed from the indigo districts only one officer, namely, the one who had, with such haste and disregard of the law, imprisoned the mookhtar above mentioned. Even this officer by his removal, suffered neither in rank nor in pay. Mr. Grote had originally questioned the prudence of employing this officer in this very peculiar duty; he had been recalled to the Sudder Station by the local authorities; and by my order he was replaced in his own permanent appointment at a distant station. In proof that this officer's return to his ordinary line of duty was not too soon, I mentioned that it had accidentally come to my knowledge that the same officer, in a civil case under the Act, had given the planter a decree against the ryot on a written agreement purporting to have been made in 1856, executed upon a stamped paper sold in 1859. This the committee represent as a gravely erroneous statement; for though they admit that the stamped paper was sold in 1859, and that the date of the bond executed upon it is in 1856, they contend that this last date is a clerical error, for the contents of the bond show that it relates to 1860, and, therefore, it could not have been intended to make it appear to have been executed so far back as 1856. My information was nevertheless precise and correct, so far as it went. The deed had been judicially pronounced spurious; the stamped paper on which it was written was endorsed as sold on the 19th November 1859, and the date of the deed, that is to say, the date on which it purported to be executed, was the 10th of December 1856. The excuse that the date was a clerical error was never,

Chundermohun
Chowdry versus
Boranund Sheikh
and others.

that I am aware of, pleaded in the court. That was all I knew. Most assuredly if I had known that the date of the deed was an error, whether regarding the deed as a forged or as a genuine document, I should have explained that fact. As it happens, however, that fact, very material in one point of view, is immaterial to the argument I had in hand.

10. My single object in mentioning this and some other bad cases, was to answer the objections which had been very strongly taken by the committee of the Association to certain orders of Government. I had earnestly inculcated on the officers entrusted with duties under the Indigo Act, inexperienced in civil business as they all were, and subject, as they all were, to no appellate authority, the duty of giving very careful attention to their cases; of patiently sifting evidence on controverted points, in the true spirit of equity; and, in short, of performing to the best of their ability and judgment, the obligations of good judges in cases all important to the parties. I had transferred elsewhere one officer, for notable carelessness, haste, and disregard of law in his proceedings; and I had circulated, at the request of an experienced official, the papers in a certain case, which proved the necessity of very carefully examining the written evidence tendered in the class of cases in question. These were the orders impugned and the decision in question was mentioned as an example, showing their propriety. In this light, it is a point of absolute indifference whether the theory of the committee as to the genuineness of the bond in question, or the formal judicial decision as to its spuriousness of the Principal Sudder Ameen (which that judge on revision still upholds, upon what seem to me solid grounds), be right. In any view, the deputy magistrate cannot have been otherwise than culpably hasty in giving a decree upon such a bond, without stating the fact of the discrepant date, and explaining his reason for upholding both the truth and the legal validity of the instrument, nevertheless. In a carefully conducted civil suit, wherein both parties are allowed full opportunity to make the best of their own case, with the assistance of mookhtars, such an omission is unaccountable. But the further information which the insistence of the committee has elicited from Mr. Bell, shows still more proofs of haste and negligence in the officer of whose removal the committee complained as improper and injurious to the planter. It now appears by Mr. Bell's report, that the evidence of the nominal witnesses to the execution of this most suspicious document was never taken; and it is impossible to read Mr. Bell's exposition of his judgment, the case before him, and that before the deputy magistrate, being essentially one and the same, without saying that, whichever decision was right, one was the result of careful attention, conscientiously applied, and the other was given blindly. On either supposition, I submit, my orders inculcating and enforcing care and attention generally, and especially in regard to the documentary evidence adduced by the factory omlah, are supported by this example.

11. If any disinterested persons doubted whether the necessity of the precautions complained of was fully proved by the instances alluded to in my former minute, the painful array of new cases set forth in Mr. Bell's present paper, and in Mr. Herschel's letter of the 7th instant, will set that doubt at rest.

12. The point next adverted to by the committee, namely, the circulation of a certain judicial decision of Mr. Herschel's, is matter already disposed of on the original complaint. But with reference to the confident opinion given of the incorrectness of the conviction at the sessions, it is necessary to point attention to the subsequently obtained evidence mentioned by Mr. Herschel, which proves beyond a doubt that the endorsement of sale on the stamped paper was forged.

13. The committee are mistaken in supposing that the office of superintendent of police has been abolished. It still exists with all its original functions. But instead of there being only one superintendent of police in the Lower Provinces, each commissioner is superintendent of police within his own division.

14. The committee of the Association remark on general charges against indigo planters which they conceive me to have made. Throughout their
present

present letter, the committee seem to me hardly to keep in mind that the minute they object to was written in answer to serious charges against the measures of this Government, made by themselves, but for which it never would have been written at all. I was forced to answer their specific complaints; and in so doing it was not possible to omit noticing the facts which constituted the grounds on which the measures to be defended were adopted. If those facts, and the argument necessarily founded upon them, have borne heavily in any quarter, it should be remembered that they were drawn forth, of necessity, by the complaints that the committee had themselves made. I submit to his Excellency in Council that I have made no general charges, unless it be against the native *omlah* of the factories, of whom, as a body, I certainly have spoken disparagingly, but in whose favour the committee say nothing.

15. The committee conceive that I am bound to withdraw what they hold to be charges, because a certain bond judicially pronounced to be spurious, is not, as I had been induced to suppose, proved to be spurious, by reason of its false date alone. The strings of cases which Mr. Bell and Mr. Herschel specify and describe, will show how needless it is to discuss the question whether this one document was forged or not; I will only say that till I saw these papers, which this renewed attack of the committee of the association have forced out, I had not myself any but an inadequate conception of the reality. As to general charges connected with these cases, on looking over the minute objected to, I can find but one passage that can be imagined to convey a general charge. I cite it in the margin.* I beg that the appended papers by Mr. Bell and Mr. Herschel may be first perused, and that this passage in the minute complained of, or the whole minute if necessary, may be read afterwards, and if his Excellency in Council shall then say that I have a word to withdraw, or that I have in any passage given too strong a colouring to my argument, I am entirely in his hands.

Since this Minute was signed, Mr. Lushington's letter of the 25th instant, enclosing Mr. Herschel's letter of the 20th instant, has been received. Mr. Herschel's letter makes the evidence against the *kabooliyut* stronger than the evidence existing at the time of Mr. Bell's decision. The extraordinary increase in the sale of the class of stamps required for such *kabooliyuts* as those in question, during the time when the act for the summary enforcement of indigo contracts was in force, which was not the season for making or renewing indigo contracts, mentioned by Mr. Lushington, is deserving of notice.

16. For myself I do very much deplore the necessity which has forced this second paper from me. There is no feeling of antagonism to indigo planters on the part of Government, or of any officer of Government. On the contrary there is, in every official quarter, a sincere desire to assist them in every proper way. In this desire I individually do most fully and strongly participate. All sensible men must now see that coercive cultivation, where no legal obligation exists, is at an end. Whether it is right or wrong that this should be so, the ryot has settled the question of fact; in South Western Bengal, he will no longer cultivate indigo for planters upon the old terms, and under the old system. Wherever indigo cannot be grown with the free consent of the grower, under the sound commercial system, prevalent in all other trades in India, of free bargains and fair market prices, indigo will not now be grown on ryots' land, where no unexpired engagement is in force. In this state of things, I would very respectfully put it to the intelligent and experienced men of business, who represent the great interest in question, whether it would not be a wiser and more hopeful course, to turn the attention of the body of gentlemen concerned to the future, rather than to the past; to the improvement of their position, by originating some reformed system, in which the ryot will be their coadjutor, instead of their antagonist, rather than to complaints against Government and its officers, for what occurred during an inevitable crisis. I am sure that this reform is a matter of necessity, unless Bengal is to abandon to Madras, Behar, and the Upper Provinces so much of its share of the indigo trade as is due to ryottee

* "I do not wish to be understood as desiring to justify my measures by throwing blame personally on the prosecuting planters. It is avowed and known that the work of prosecuting claims was left to the native *omlah* of the factories, who do not appear to have been under any practical check, and whose peculiarly unscrupulous character is denied in general terms by no person, European or native, of any class. I believe the planters themselves are more cheated and deceived by these men than any other persons are. The best-intentioned planters, therefore, must expect an intelligent and just judge to spare no pains in testing evidence got up by such agency."

ryottee cultivation. And I am sure that it will not be assisted by discussions, such as are unavoidably raised by such letters as those to which I have been now obliged to reply. In performing this ungrateful task, I trust that I have not said an unnecessary word likely to excite or prolong ill-feeling, or to give any ground of personal offence to anyone. I have at least done my best, in defending myself and others, to avoid recrimination. I have not concealed my bad opinion of a bad system; of its false economy, and of its political danger; but I have never forgotten that it has been the growth of half a century, and has been inherited rather than created by the present generation.

23 November 1860.

(signed) *J. P. Grant.*

From *W. Grey, Esq.*, Secretary to the Government of India, Home Department, to *W. S. Seton-Karr, Esq.*, Officiating Secretary to the Government of Bengal (No. 1814), dated Fort William, the 22d September 1860.

Sir,

THE Governor General in Council having considered your letter, No. 4849, dated the 18th instant, and the papers which accompanied it, I am desired to inform you, that his Excellency in Council assents to the proposal of the Lieutenant Governor, that a general notification shall be issued informing the ryots that the Government is not opposed to the cultivation of indigo, but that they are not required to cultivate it except with their own free consent, and warning both the ryot and the planter against having recourse to any violent or unlawful proceedings.

2. The Indigo Planters' Association having, in a recent letter, intimated a wish that no further general proclamation of any kind should be issued by the Bengal Government, fearing lest it might be misinterpreted and misapprehended, the Governor General in Council would have been glad if the circumstances of the case had permitted the Government to leave the matter for mutual adjustment by the planter and the ryot, without any intervention of the Government whatsoever. But though his Excellency in Council is quite sensible how futile would be any attempt which could be properly made by Government to bring about a settlement of the differences now unhappily existing between the cultivators and the indigo planters, he is compelled to admit that the statements contained in the enclosures of your letter are such, as to demand that the Government should, in plain terms, declare to both ryot and planter, the positions in which they stand, and announce to them distinctly that the Government will not tolerate a resort to violence, but will take prompt and effectual measures to restrain, and to punish any who may commit themselves to such a course.

3. I am desired therefore to forward to you the draft of a notification, based upon that which is given in the 9th para. of your letter, with some modifications and additions, and to request that, after it has been very carefully translated, it may be promulgated in those districts in which the Lieutenant Governor may consider the precaution to be necessary.

4. I am to request that the attention of the Lieutenant Governor may be drawn to the concluding words of the clause, informing the ryots that it is not intended to renew the temporary law for the summary enforcement of indigo contracts by the magistrates. By the words referred to, the Government undertakes to provide, as soon as possible, for the more speedy adjudication of suits for the enforcement of contracts, and from the preamble of the notification it will be understood that suggestions to this end will be made by the Lieutenant Governor in communicating his views upon the report of the Indigo Commission. The Governor General in Council fully acquiesces in the opinion which is indicated in the 3d paragraph of the Lieutenant Governor's Minute of the 17th instant, as to the immediate necessity for a multiplication of subdivisions, a better police, and civil courts of prompt and effective procedure, and to these his Excellency in Council would certainly add a provision for the cheap and easy registration of contracts for the delivery of agricultural produce
of

of any kind. In regard to the first two points,—a multiplication of subdivisions and a better police, the Governor General in Council will be prepared to give the Lieutenant Governor any reasonable assistance that his Honor may think it necessary to ask for. In regard to the other two points, namely, more effective civil courts and provision for registration, the Governor General in Council would wish to see immediate steps taken for preparing the drafts of such laws as may be deemed advisable for giving effect to those measures, in order that the bills may be introduced and read a first time before the 6th of October, after which date the Legislative Council will not re-assemble for some weeks.

THE Lieutenant Governor has received the Report of the Indigo Commission, and will, in a few days, lay before the Government of India such suggestions as the circumstances set forth in the Report appear to him to call for. Meanwhile the Lieutenant Governor, with the full sanction and concurrence of the Governor General in Council, calls the careful attention of all parties concerned to the following—

NOTIFICATION.

If any ryots or other persons believe that the Government wishes that the cultivation of indigo should cease, they are mistaken. The Government hopes that the cultivation of indigo will be continued. But the Government is convinced that on the lands of the ryots it can be continued only with the free consent of the ryots themselves, and upon principles of justice and of fair dealing on both sides.

All ryots are hereby assured that those who are not under any valid unexpired contract, cannot now be compelled, and will never be compelled, to cultivate indigo against their own wishes, or to take advances for that purpose.

All ryots who are under a valid unexpired contract, are warned, that if they do not fulfil their engagements honestly, they will be liable to actions in the civil court and to decrees for damages.

Both planters and ryots are hereby solemnly warned to abstain from violence and intimidation. The planters are warned against attempting to compel ryots by force to cultivate indigo. The ryots are warned against attempting by force or by intimidation of any kind, to prevent the cultivation of indigo by others, and against resisting the fulfilment of their own contracts. All persons seeking the enforcement of contracts, or redress, must do so in a lawful manner, through the constituted tribunals.

If the unlawful use of force is resorted to or threatened by any ill-advised persons, the magistrates will instantly check and punish such misconduct. An ample force of military police has been placed at their disposal for this purpose.

All disputes between planters and ryots regarding the possession of lands, or regarding boundaries, and all disputes regarding lands claimed as *nij* or *khas* by planters on the one hand, and as their own *ryottee* lands by ryots on the other hand, must be decided in the usual course—that is to say, by the magistrate, under Act IV. of 1840, or by the collector under Act X. of 1859, or by the civil courts.

It is not the intention of the Government of India to re-enact the temporary law for the summary enforcement of indigo contracts by the magistrates, which law will expire on the 4th of October next, corresponding with the 19th of Assin. After that date, actions for breach of existing contracts will be cognizable, as before, by the civil courts. But it is the intention of the Government to provide, as soon as possible, for the more speedy adjudication of such cases by increasing the number of courts, and by simplifying procedure.

All zemindars and other persons concerned in the ownership or management of lands in which indigo cultivation has prevailed, are required to exhort the ryots under their influence to refrain from any violent or unlawful act.

(signed) *W. Grey*,
Secretary to the Government of India.

From *W. S. Seton-Karr*, Esq., Officiating Secretary to the Government of Bengal, to the Commissioners of Nuddea and Rajshahye (Nos. 5013 and 5014), dated the 24th September 1860.

Sir,

I AM directed to enclose (Nuddea, 300—Rajshahye, 200) copies of an English notification, with (Nuddea, 6000—Rajshahye, 4000) copies of a Bengali translation of the same, which, with the full sanction and concurrence of his Excellency the Governor General of India in Council, it has been resolved to publish in those places where strong excitement on the indigo question prevails. In such places a copy of the English notification should be sent to every indigo planter, and so many copies of the Bengali translation should be issued, as may be necessary to make the contents fully known to the villagers.

2. Where no excitement on this subject prevails no issue of this notification is to be made.

3. The object of this notification is, by explaining clearly the true position both of the planter and of the ryot, and by assuring the villagers against violence, to allay excitement, to remove doubt, and to dispel apprehension, where such feelings exist to a dangerous degree; and to prevent all resort to the illegal use of force on either side, the consequences of which, in the present state of feeling, might be disastrous.

4. The principles contained in this proclamation are simply that the law must be obeyed and enforced. All public officers, therefore, will everywhere, upon occasion, act in accordance with this notification; but it is considered extremely desirable to do nothing that can create excitement, where none already exists. Where planters, on the one hand, have no difficulties, and ryots, on the other hand, have no apprehensions of compulsion, no unusual measure is called for; and any such measure might be misunderstood.

5. There are, however, tracts of country in your division where the rupture between ryots and indigo factories is too decided to leave room for any objection of the above nature, or to make it doubtful that the one paramount consideration is to preserve the public tranquillity.

6. Whenever it may be a question in which of these two classes a tract of country should be placed, the Lieutenant Governor relies confidently on your judgment and discretion.

7. A copy of the letter of the Secretary to the Government of India, transmitting the notification in question, with the orders of his Excellency in Council regarding its promulgation, is enclosed for your information and guidance.

From *W. S. Seton-Karr*, Esq., Officiating Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department (No. 5304), dated 6 October 1860.

Sir,

I AM directed to acknowledge the receipt of your letter (No. 1814), dated the 22d ultimo, and to forward, in reply, a Minute by the Lieutenant Governor, in which the important questions recommended to the attention of the Bengal Government, are fully discussed and provided for, as far as is possible at present.

MINUTE.

IMMEDIATELY on receipt of this letter from the Government of India, a copy of the paper was sent to Mr. Sconce, the Bengal Member of the Legislative Council, and I have had an interview with him on the subject since he has studied them.

2. Mr. Sconce informed me that he could not be prepared with a bill for the registration of contracts for the delivery of agricultural produce by the 6th of
October.

October, and that he is unable to devise a more expeditious system of procedure for the decision of suits brought for the breach of such contracts, which shall meet the ends of justice, than the system provided by the new code of civil procedure, which has lately been introduced in all the civil courts of the interior.

3. I have also had an interview with Mr. Harington, with reference to the instructions of the Government of India conveyed in this letter. Mr. Harington informed me that he would immediately move the third reading and passing of a bill for the establishment of courts for small causes, which has long been under discussion. This Bill, I believe, has been passed.

4. I beg leave respectfully to express my entire agreement with the opinion of his Excellency in Council as to the expediency of a law to afford practical facilities for the registration of contracts for the delivery of agricultural produce, as being a provision that is much required. The common practice remarked upon in the report of the Indigo Commissioners, of taking the signatures of ryots to blank papers, and other considerations arising from the stipulations of some of the form of agreement in use, and the unlettered character of ryots in general, lead me to the conclusion that the registration of contracts of this sort should be imperative; that, on the one hand, the identity of the contracting party should be ascertained, and certified at the time of registration; and that it should be the duty of the registering officer to assure himself that the contracting party understands perfectly all the stipulations in the written agreement, and freely consents to them; whilst on the other hand, his acknowledgment of the receipt of the consideration for which he has made the agreement, should at the same time be recorded for the security of the party giving the consideration. I can see no practical difficulty in providing means for such a system of registration. All moonsiffs, all deputy collectors and deputy magistrates, all assistants, and all sub-divisional officers are available for this business; and any number of respectable officers can be specially appointed to perform it that may be found to be necessary, moving from place to place for the purpose. A small fee on registration, probably a fee of four annas, and certainly a fee of eight annas, would pay all charges. This should be paid by the party interested in obtaining a document, under which he could sue in case of breach of contract, and which will be to him an unquestionable receipt for payments made.

5. I am, like Mr. Sconce, unable to suggest any course of procedure for the trial of suits for breach of such contracts as these that shall be more prompt or effective, consistently with the ends of justice, than the new code of civil procedure is, if properly worked. That code was framed, after infinite pains and long consideration, by gentlemen, than whom, I believe, none ever before met together in India who amongst them combined great natural ability with so much acquired knowledge of the practical working of the Indian country courts, of the Indian courts of English law, and of English courts. And it was the ruling object of all these gentlemen to simplify procedure to the utmost possible degree, and to get rid of everything that tends unnecessarily to delay judgment and execution. The result of all the inquiries I have made from the native judges, by whom nearly all original suits are tried, and of whom I have now seen many in different parts of the Lower Provinces, is that the new procedure, in working, has been successful even above all hope. Cases are now rapidly decided, excepting of course peculiar cases where all the necessary facts cannot be got at without delay; and as the whole system is new, and is very different from that to which the judges have been accustomed all their lives before, if it does well now, it is quite certain that it will do better after longer practice.

6. Taking a practical view of the question, I see no reasonable ground for expecting any material improvement, in point of promptitude, from any change in the procedure of any courts that may be established, which are intended to do full justice between the parties in suits before them. The plaint, under the new code, may be compressed in a few lines, and should be rejected if redundant. It must be accompanied by any document mainly relied on. No written plead-

ings are required, and the defendant is immediately summoned for a day fixed for the trial of the case (the documents and witnesses on both sides being called for), if the nature of the suit is such as to allow of so summary a course, or otherwise, for the settlement of the point or points really at issue between the parties; and when these are settled, the case may go to trial as soon as the evidence can be procured. In fixing days for the trial, or the settlement of issues, the judge has no need to allow an hour more than is reasonable and fair, under the circumstances of the case in hand. The execution is as simple and as prompt as the trial. In short, unless by a summary suit is meant a suit in which the evidence and arguments on both sides are not to be thoroughly gone into, all suits under the new code of civil procedure are summary suits; and in no suit under this procedure can any delay arise which is not rendered necessary by the specialties of the case, if the law is properly worked, and if the court before which the suit is brought is not in arrear.

7. Mr. Harington's Small Cause Court Procedure is not, and does not profess to be more prompt than any court under the new code may be, and ought to be, when trying the class of cases for which, in particular places, the Small Cause Courts are intended. The object of these Small Cause Courts, which in my opinion is an admirable object, is to provide in great towns, suburbs, marts, and other very populous and wealthy places, in which small causes of simple nature are numerous, a court of a very high order, and of course expensive in a corresponding degree, exclusively for this class of cases. In the places for which such courts are intended, it is expected that, as in Calcutta, such courts, costly though they will be, will pay themselves; the advantages will be that, considering the high order of the court and the nature of the suits it is to try, appeals may be dispensed with safely, and without giving the suitors dissatisfaction; and that from the absence of all classes of cases which are in their nature intricate and long, it will be possible to prevent in practice all delay in calling on causes as fast as days can be fixed for trying them. It is a part of the scheme, that in those places where a Small Cause Court is established, the class of cases cognisable by such court are excluded from all other courts within the jurisdiction of the Small Cause Court.

8. It does not appear to me that any benefit can be derived from these courts in several districts. I should certainly rejoice were it possible to create half a dozen civil courts in every district,—one, for example, in every sub-division, whereof the judge should be paid 600 rupees or 700 rupees a month, as is contemplated for these Small Cause Courts. But that, I fear, is quite out of the question. There are not a great many districts in which there is one place so populous and rich as to require, and to be able to support such a court. Now if only one such court were established, having jurisdiction all over a rural district, the effect would be pernicious in the highest degree: for in that in a particular class of cases, being the class which above all others will least stand against the inconveniences of distant justice, one court would be substituted for perhaps a dozen courts at present scattered over the face of the country, the result would be, that a man having a suit to lodge, if unfortunately for him, and his adversary, the nature of their dispute should be very simple, would have to come in 70 miles perhaps for the trial, instead of having it tried by the moonsiff next door.

9. But I believe that the whole object can be gained by the simple executive step, of providing, whenever unusual provision for these contract cases is required, an additional staff of moonsiffs, expressly for the trial of these cases under the regular code of procedure, whereby the only cause of probable want of promptitude I know of, namely, a file of arrears, including several long cases, will be avoided. Similarly, provision may be made for the immediate trial of all appeals in such cases, by providing an additional judge for the districts in question, for this special purpose amongst others.

10. I believe that an additional civil and sessions judge will be required for Kishnaghur, Jessore, and Pubnah, in order to the prompt disposal of appeals from the summary decisions of magistrates in cases of possession under Act IV.,
and

and of appeals from the civil decrees of Collectors under Act X., I have had reason to believe that the additional civil and sessions judgeship of Chittagong may now be abolished; on this point I have consulted the Sudder Court, which court has reported that the abolition may be carried out; I propose, if the Governor General in Council approves, to transfer this office to the districts indicated, for the express purpose above explained, whereby the object will be attained without increase of expense.

11. In the matter of sub-divisions I have already, acting under the permission conveyed in the orders of the Honourable Court of Directors, No. 61, dated 4th November 1857, and the general sanction of the Government of India in conformity therewith, created several new sub-divisions in the indigo districts. There are already constituted four sub-divisions in Jessore, four in Nuddea, two in Pubna, south of the Ganges, and three in Baraset. I have, with the aid of the experienced Commissioner of Nuddea, now matured a scheme for the re arrangement of the subdivisions in his division, whereby there will be very equally spread over the country, and posted at the most important places, besides the Sudder stations, each of which forms, as it were, a sub-division, five sub-divisions in Jessore, four in Nuddea, two in Baraset, and two in the 24-Pergunnahs, besides two sub-divisions in Pubna, south of the Ganges, and besides the two small cantonment sub-divisions of Barrackpore and Dum Dum, under each of which there is a Thannah embracing a considerable rural tract. There will thus be immediately in this quarter magisterial authorities at 21 different points, generally not more than 25 miles apart, and never, I believe, more than 30 miles apart. Thus, one of the eight Commissionerships, of which the Lower Provinces consist, is provided for. His Excellency in Council will recognise the importance of this improvement, on learning that in all this great tract of country, up to the latter end of the year 1843, there were no officers having any magisterial power whatever, except at the four stations of Allipore, Baraset, Jessore, and Kishnaghur.

12. I do not think that in this Commissionership more is demanded in this way, and I purpose to take up all the remaining Commissionerships, one after the other, in the same manner. There is much to be done in all Commissionerships in the proper arrangement, as well as in the multiplication of subdivisions.

13. In the matter of a better police, if his Excellency in Council sees no objection, I propose to await the passing of the Bill that has just been introduced in the Legislative Council by the Honourable Sir Bartle Frere. For present purposes I have no reason to fear that the hands of the Executive authority are not sufficiently strong in the indigo districts.

14. The four points on which the Government of India gave me instructions in this letter are:—

1. A multiplication of sub-divisions.
2. A better police.
3. Civil courts of prompt and effective procedure.
4. Cheap and easy registration of contracts for delivery of agricultural produce.

I believe that the first object has been adequately provided for, and that the second must await the legislative action already commenced. The third appears to me to require any executive action, which the sanction of his Excellency in Council will enable me to carry out. On the fourth point I will request Mr. Sconce to take the question into his immediate consideration, with a view to the early preparation of a Bill to be laid before the Legislative Council.

— No. 2. —

CORRESPONDENCE on the CULTIVATION of INDIGO in the Presidency of Bengal.

From *W. Grey*, Esq., Secretary to the Government of India, to the Officiating Secretary with the Right Honourable the Governor General, No. 2707, dated the 30th November 1860.

* No. 6303, dated
24 November.

I AM directed by the President in Council to forward, in original, for the consideration and orders of his Excellency the Governor General, the accompanying letter* and its enclosures from the Government of Bengal, containing a Minute, dated 23d instant, recorded by the Lieutenant Governor, in regard to the representations made by the Committee of the Indigo Planters' Association in their secretary's letter dated the 13th of October.

2. I am desired to state that the representations put forth in that letter, as explained and answered by the Lieutenant Governor, do not, in the judgment of the President in Council, in any way affect the opinion expressed by the Governor General in Council, in my letter to the secretary of the association, No. 1640, dated 31st August, namely, that the conduct of the Bengal Government and of its officers generally has been marked by a strictly impartial administration of the law to all classes concerned.

From *A. R. Young*, Esq., Officiating Secretary to the Government of India, with the Governor General, to *W. Grey*, Esq., Secretary to the Government of India, No. 31, dated Camp Lour, the 24th December 1860.

I HAVE the honour to acknowledge the receipt of your letter dated 30th ultimo, No. 2707, and of its enclosures, regarding certain representations made by the Committee of the Indigo Planters' Association in a letter from their secretary, dated the 13th October.

2. The Governor General having read the Minute of the Lieutenant Governor of Bengal, dated the 23d ultimo, forwarded by you, and the papers accompanying it, desires me to state that he concurs with the President in Council in considering that there is nothing in the letter of the 13th October from the Indigo Planters' Association which should affect the opinion already expressed by the Governor General in Council, that the conduct of the Bengal Government, and of its officers generally, has been marked by a strictly impartial administration of the law to all classes concerned.

3. Further, and in answer to the 14th and 15th paragraphs of the Lieutenant Governor's Minute of the 23d ultimo, the Governor General desires me to express his opinion that there are not in his Honor's previous Minute of the 17th of August any general charges, the withdrawal of which can be demanded justly.

From *W. Grey*, Esq., Secretary to the Government of India, to *W. S. Seton-Karr*, Esq., Officiating Secretary to the Government of Bengal, No. 2463, dated the 28th December 1860.

* No. 31, dated
24th instant.

WITH reference to your letter, No. 6303, dated 24th ultimo, submitting a Minute, dated 23d idem, recorded by the Lieutenant Governor with reference to the representations made by the Committee of the Indigo Planters' Association in their secretary's letter, dated 13th October, I am directed by the President in Council to forward, for the information of the Lieutenant Governor, the accompanying copy of a letter* on the subject from the Officiating Secretary with the Governor General.

From *W. Grey*, Esq., Secretary to the Government of India, to *W. F. Fergusson*, Esq., Secretary to the Indigo Planters' Association, No. 2464, dated 28 December 1860.

WITH reference to your letter of the 13th October, I am directed by the President in Council to forward to you for communication to the Association, the accompanying copy of a Minute by the Lieutenant Governor of Bengal, dated the 23d ultimo, and of a letter dated the 24th instant, from the Officiating Secretary to Government with His Excellency the Governor General.

— No. 3. —

REPRESENTATIONS by Planters to the Government of *India*, with Replies of the Government.

From *J. Hills*, Esq. to *L. B. Bowring*, Esq., Private Secretary to the Governor General; dated Neechindipore, 14 September 1850.

I TAKE the liberty of enclosing for your information the set of rules on which I propose in future to conduct my concerns, subject, however, to any suggestions which the Government might please to recommend. Mr. Fergusson, the Secretary to the Indigo Association, has, I see, adopted some of my suggestions; and I doubt not that, with some slight alterations, they will be accepted generally by the planters of Bengal. But while I am very anxious to place our relations with the ryot on a just and liberal footing, I am naturally anxious, on the other hand, that the planter should have protection in his dealings with him; and you will observe, I propose, that if the ryot does not, within 20 days, complain of the agreement entered into, then he shall, under some summary penalty, be required to fulfil his contract. As other large interests in India have this protection, it is surely not unreasonable nor unjust to ask for the same. I believe Mr. Seton-Karr, in his Report to Government, states, that he considers the present laws sufficient. I heartily wish he had a factory of his own, when he would come to a different conclusion. It is an infatuation. I have been the most extensive planter in India, and in no case in my remembrance did I ever institute in a civil court a suit against a ryot—and why? Simply because, after getting a decree at a large comparative cost, and most vexatious delay, all left to me (the ryot having transferred away the whole of his property) would have been his person to imprison for three months, I having first to advance money for his support during his incarceration. The fact is, the civil courts are viewed by every planter in the mofussil as a sham and a farce, and no man ever thinks for a moment of prosecuting in them the ryot for his balance.

Mr. Fergusson gave me to understand that the principal objection to the pass system was, that of continuing the balance against the ryot when his crop did not meet the advance. Accordingly, to remove as far as possible this objection, I have agreed to divide the loss, and to place that of the ryot in his balance account, which shall bear no interest, and which is to be liquidated by only a fourth part of the profits realised in a future season from his surplus crop, which, on a fair average of seasons, would double his advance. This system will prove, I trust, to you, how anxious I am to meet the ryot on the most liberal terms; as, under any circumstance, he receives an advance in cash of two rupees eight annas per beegah annually, which allows the fullest consideration for his labour and the rent of his land; and I may remark, as no interest is charged him, the advance of the two rupees eight annas is equivalent to three rupees twelve annas from the mahajun, whose general charges, in his dealings with the ryot, fully exceed 50 per cent. I would willingly have ceded the point altogether, but I know, were the ryot freed from all responsibility or interest in the crop, that, on seeing it was not likely to yield more indigo than would cover the advance, he would no longer bestow upon it any care or attention. Eight bundles per beegah, which covers the advance made, is a very poor crop, and therefore it is not any pecuniary consideration which induces me to hold over his head any trifling balance that might chance to accrue, but

simply to attach a certain responsibility to him, that he might take an interest in his crop under whatever phase it may appear.

I propose, you will observe, that the Government sanction stamps of one anna value. As two stamps would be required for each contract, no loss would accrue to the Government from acceding to this.

I would have taken the liberty to forward the enclosed list before, but I was anxious to judge from personal observation the state of the district, and, if possible, to discover what has led to the present general outbreak.

The following appear to me to be the chief causes which originated the disturbances :—

1st. Of late years the produce of the lands generally has advanced in price, and doubtless rendered the indigo to be viewed with less favour than formerly. At the same time, up to this date last year, at least in this part of the district, I am informed that no dissatisfaction was observable or expressed.

2d. Clauses 6 and 11 of Regulation X. The former, No. 6, giving the right of possession, after 12 years' occupancy, to a class of men who, a few years ago, were the coolies who were employed to clear the jungle off the land on which they have since squatted. The latter, No. 11, breaking the link between the ryot and his liege lord; thus casting abroad a large portion of the population, unhappily in a state of ignorance and credulity beyond conception, into the hands of any unscrupulous and designing person who might choose to mislead them, merely to forward his own views—a task, in this country, where litigation is almost a mania, not very difficult to effect, and which has largely been acted upon on the present occasion.

3d. The extraordinary impression abroad among the ryots of the hostility of his Honor the Deputy Governor, Mr. Grant, to indigo planting in general; which impression, I regret to say, is reported to have received further support by the peculiar views and course pursued by Mr. Herschel, the present magistrate, who in all cases brought before him, is considered to have shown an extraordinary bias towards the ryot, and moreover is stated to have caused the removal of every subordinate officer who showed any determination to carry out, in its strict integrity, the full meaning of Regulation XI.

Such appear to me, as far as I can judge, the principal causes of the present outbreak.

His Honor, the Deputy Governor, in answer to the petition presented by the Planters' Association to the Supreme Government, states that there is no confusion in the district of Kishnagur. The meaning of the word is difficult to define. There are certainly no murders, nor hostile collisions, but the excitement is intense, and in no country in the world would Englishmen so tamely submit to be ruined as the planters are now doing. Though deeply indebted to the factory, the ryots refuse to make any settlement; and emboldened by their success in shutting the factories, numbers of them now refuse to pay their rents, believing, that in so acting, they will force the sale of the planter's property (I regret to say that while the summary law to enable the talookdar to collect his rents has been repealed, the sale law has not been relaxed). Continuing further in their aggressive conduct, they have attempted to take forcible possession of the private cultivation attached to the factories, declaring that the Sahibs have no right to any land whatever. The planters seem perfectly paralysed—the young men talk of going to England, or emigrating to Australia or the Cape of Good Hope, while the proprietors look gloomily on at the destruction of their properties. In my own case, I placed 20,029 l. sterling with the Messrs. Gisborne & Co. for the season's outlay of my two concerns; in addition to this, Messrs. Gisborne & Co. advanced the further sum of 15,000 l.; and as the proceeds from the Indigo made in both will scarcely cover the 15,000 l., my 20,029 l. is of course lost. Nor is this the worst. At this moment, the whole of my property, valued at (150,000 l.) a hundred and fifty thousand pounds, has not only at present no marketable value, but is really threatened with total ruin. Of course the planter does not expect the Government to assist him in making his advances; all he asks is a law to enforce justice between man and man, and, above all, for an experienced magistrate, whom all classes can regard with respect and confidence; which is not the case at present in this district, where the magistrate, with what justice I cannot say, is con-

sidered

sidered by both planters and ryots to have a strong bias towards the latter, which tends greatly to encourage their present conduct.

I feel quite satisfied that the Supreme Government has every wish to see justice done to the European settler; nevertheless, unless it shows an immediate and decided sign of good will towards him, and thereby destroys the ridiculous but all-prevailing impression that the Government is hostile to him, property to the value of several millions will be lost, and the planter driven out of Bengal.

I will not dilate on the benefit this part of the country has derived from the millions of English capital that has been spent by the planters amongst the people, but a comparison of the indigo districts with the settled provinces in Madras, or indeed with any part of India where there are no Europeans, will clearly demonstrate the vast advantages so derived; and the income tax, I doubt not, if properly and searchingly applied, will prove the truth of this statement.

The following are the principles on which I propose to conduct my indigo properties, subject to any suggestions the Government may think proper to recommend:—

- 1st. That two rupees per beegah shall be the advance to the ryot.
- 2d. That eight annas independently shall be given annually to the ryot as rent for the land.
- 3d. That the beegah shall be the usual Zemindaree beegah, i.e., 17,768 square feet.
- 4th. That in no instance shall more than four bundles per rupee be taken by the planter.
- 5th. That should the number of bundles realized from the beegah be insufficient to cover the advance made, then the loss shall be equally borne by the planter and the ryot, so that if from any cause the crop proves a failure, the ryot will still have one rupee eight annas per beegah on the season.
- 6th. That the ryot's portion of the loss shall be added to any previous balance that may stand against him, and that 25 per cent. of the money due to him for surplus plant shall be applied to the reduction of that account, and which account is not to bear interest.
- 7th. That the chain employed to measure the bundles shall have a Government Stamp affixed to it, and shall as formerly be six feet in length.
- 8th. That the planter shall advance to the ryot seed free of all charge.
- 9th. That the ryot shall cultivate his land and shall cut his crop; all other charges to be borne by the planter.
- 10th. That the Government be petitioned to sanction stamps of one anna value; the stamps to have the words "mutual indigo agreement" written on them.
- 11th. That upon the said stamps the agreement entered into between the planter and the ryot be drawn out, and after having been duly signed by both, each shall receive a copy of the same.
- 12th. That, if deemed necessary by Government, lists of the agreements above mentioned be numbered, and sent in weekly to the magistrate.
- 13th. That a certain time be allowed (say 20 days) to the ryot to petition against the fulfilment of the contract, after which period there shall be no appeal, and the ryot shall, under penalty, be required to fulfil his contract.
- 14th. That all accounts shall be adjusted annually, and the money due to the ryot for the surplus plant be paid to him at the close of the season, less the 25 per cent., to be applied towards reducing any previous debt due by him.
- 15th. That the ryot shall receive for all indigo seed they gather, either from the second cuttings, or from plant grown for producing it; the price prevailing in the bazaar at the time of delivery.

(signed) *James Hills.*

From *W. Grey*, Esq., Secretary to the Government of India, to *J. Hills*, Esq.,
Neechindipore, No. 2093, dated 25 September 1860.

I AM directed to acknowledge the receipt of your letter, dated the 14th instant, to the address of the Governor General's private secretary, enclosing a set of rules by which you state that you propose in future to conduct your concerns, "subject, however, to any suggestions which the Government might please to recommend."

2. The Governor General in Council, I am desired to state, would gladly afford any advice or assistance in his power with the view of removing the serious difficulties which the indigo planters in some districts have now to contend against, and of healing the rupture that has taken place between them and the ryots. But his Excellency in Council is satisfied that for the Government to take any share in adjusting the precise terms on which the dealings of the planter with the ryot shall in future be based would not only have no such good effect, but would be rather calculated to add to the complications and embarrassments in which the indigo cultivation of Lower Bengal is at present so largely involved.

3. It is plain that it should be better known to the planters themselves than it can be to Government, or to any officer of Government, at what price the indigo plant should be purchased from the ryot in order to render the cultivation of it profitable to him, and on what conditions, in other respects, the connection between the planter and the ryot should rest, in order to render the cultivation of indigo acceptable to the latter. If such a price and such conditions are offered to the ryot as shall serve to make the cultivation of indigo profitable and acceptable to him, it may be expected that the cultivation will continue. Without this it cannot continue; and as no interference could properly be exercised by Government which was not clearly founded on this truth, and which did not explicitly assure the ryots of their entire freedom of action in the matter, the Governor General in Council believes that the duty of the Government will be best fulfilled, and that the true interests of the planters, as a body, will be best served, by the Government abstaining from all intervention in the bringing about of a new settlement with the ryots, such as it is the object of your proposed rules to effect.

4. The Government is sincerely desirous that the cultivation of indigo should be preserved where it has not yet been endangered, and that it should revive where the antipathy shown to it by the ryots may render its present continuance impracticable. The latter object, however, can be obtained only by the offer of such terms to the ryots, now or at a future period, as shall suffice to remove that dislike with which the cultivation is at present regarded. The former object, it is to be hoped, will be secured wherever all dealings with the ryots are conducted with complete fairness, and their treatment by the planter and his servants is just and considerate.

5. For the purpose of giving the indigo planters and other purchasers of agricultural produce a more speedy remedy against breaches of contract by the cultivators than they can obtain under the existing civil procedure, it is the intention of Government to provide as early as possible for the cheap and easy registration of contracts entered into by ryots for the delivery of the produce of their lands, and at the same time to place within the reasonable reach of every planter and ryot a civil court, by which suits relating to such contracts may be adjudicated in a summary manner. The Lieutenant Governor has also been assured that he may rely upon the assistance of the Government of India in giving effect to any practical measures for the better supervision and the improvement of the police, which he may consider to be necessary.

6. You are probably aware that detachments of troops have been moved to Jessore and Kishnaghur to help the police in preserving order.

(Judicial.—No. 94 of 1860.)

To the Right Honourable Sir *Charles Wood*, Bart., G.C.B., Secretary of State
for India.

Sir,

IN continuation of our Letter (No. 73), dated the 29th of September, we have the honour to transmit a copy of the papers noted on the margin, relating to representations made by Messrs. Watson & Company, on the subject of their indigo contracts.

From Messrs. Robert Watson & Co.-
dated 11 October, and enclosure.
To ditto (No. 2063), dated 20 October.
From Government of Bengal (No.
5711), dated 1 November, and en-
closures.

We have, &c.
(signed) *Canning*.
J. W. B. Frere.

Fort William, 7 November 1860.

FROM Messrs. *Jardine, Skinner & Co.*, Managing Agents of *Robert Watson & Co.*, Indigo Planters and Silk Manufacturers, to *W. Grey*, Esq., Secretary to the Government of India, dated Calcutta, 11 October 1860.

WE have the honour to lay before you, for submission to His Excellency the Governor General in Council, the following observations with reference to the letter of the Government of Bengal to the Secretary of the Government of India (No. 4849), dated 18th September last.

2. In paragraph 2 is the following : " The Lieutenant Governor much regrets the incompleteness of the instructions under which the proclamation of the Commissioner of Nuddea was issued, which has been pointed out by His Excellency the Governor General in Council, but he hopes that no practical mischief has thereby resulted, and he believes that none can possibly have resulted which may not be easily remedied." That the above is utterly erroneous, both as to fact and assumption, we have unfortunately too strong proof, and we beg to forward copy of a letter which we have addressed on the subject to the Bengal Government, and to a consideration of the statements in which we desire to solicit the attention of His Excellency in Council. It is a plain and literal account of our present position, and shows that " practically " our large business operations are completely stopped, and the immediate ruin of our indigo properties assured, unless it should please his Lordship in Council to intervene to remedy the mischief caused by the Government of Bengal.

3. In paragraph 4, Mr. Grant observes : " For all ryots are at liberty to claim such release from their engagement as Section 5 of Regulation V. of 1830 can give them, whereof the substance as compressed in the marginal note is, persons wishing to be released from their engagements to petition the judge in certain cases. The object of that regulation, as stated in the preamble, is, amongst other things, to afford persons who may be unwilling to renew their contracts for the cultivation of indigo the means of obtaining, by summary process, a release from their engagements."

Again in paragraph 5 : " In order then to place the matter before this class of ryots in its true light, a local notification for the Nuddea Division might be issued, calling the attention of those ryots who are under valid unexpired engagements, from which they cannot or do not release themselves by proceedings under Regulation V. of 1830, to the fact of their obligations remaining in full force, &c."

The expression, " those ryots who are under valid unexpired engagements from which they cannot or do not release themselves by proceedings under Regulation V. of 1830," is simply an encouragement to set at nought existing contracts, and will be construed as an Order of Government to set aside the said Regulation, suggesting as it does to the ryots the possibility of their releasing themselves from their unexpired and valid engagements, by a construction directly opposed to the text and spirit of the said Regulation, which clearly applies only to cases of ryots who " shall be desirous on the expiration of the period of his contract to settle his account, &c." In Construction 934 it is stated, " A ryot cannot claim a settlement of his account under Section 5, Re-

gulation V. of 1830, till the expiration of the period of his contract," and further Construction 1130, points out, "That a zillah judge has no summary jurisdiction on the application of a ryot to settle his account before his contract expires."

4. We would further point out that Mr. Grant has as yet failed to give effect to the instruction conveyed in the letter of his Excellency the Governor General, under date 31st August (No. 1639), in which his Excellency desires that the Lieutenant Governor "Will consider whether measures should not now be taken to place the matter before the ryots in its true light."

5. No proclamations can at once allay the ill-feeling that has been excited, or put a stop to the conspiracies and illegalities from which we are daily suffering, and although the authorities admit the fact of such conspiracies, and are acquainted with the instigators thereof, still the combination is so universal and determined, that notwithstanding the convincing circumstantial evidence available, it is generally impossible to afford the proof required by law, and no district officer can venture to accept less. In these respects the law does not suffice for the punishment of the evil-doers.

6. We would, therefore, in conclusion, humbly solicit the protection of his Lordship in Council, and pray that he may cause inquiry to be made into the peculiarities of our case, and direct such measures to be taken as, with reference to the state of the country, may be necessary to afford us means of enforcing our just and legal rights, and of removing from the minds of the ryots the impression that Government is desirous of putting a stop to the cultivation of indigo.

From Messrs. *Jardine, Skinner & Co.*, Managing Agents of Messrs. *Robert Watson & Co.*, Indigo Planters in the Districts of Moorshedabad, Nuddea, Rayshahye, and Pubna, to *W. S. Seton-Karr*, Esq., Officiating Secretary to the Government of Bengal; dated 11 October 1860.

1. WE have the honour to lay before you the following statement for the information and orders of his Honor the Lieutenant Governor.

2. Messrs. Watson & Co. have for the past 40 years cultivated indigo in their concerns by means of contracts with their Sattahdar ryots for terms of years, which have hitherto been fulfilled without complaints or objections of any sort.

3. The contracts last entered into are for terms of five years, and in the majority of instances date from the beginning of season 1859, a few from an earlier period, and in all the terms remain unexpired. Representations to this effect were made to the district authorities from time to time, as noted in the margin, and to Messrs. Lushington and Reid further evidence of old printed contracts, and of those last entered into, were produced, to show the long standing custom in practice in our concerns.

Public Letter to Mr. Platts, Deputy Magistrate of Kurreempore, dated 18 July 1860.

Public Letter to Mr. Millet, Joint Magistrate of Moorshedabad, dated 10 August 1860.

Public Letter to Mr. F. Lushington, Commissioner of Nuddea Division, dated 28 August 1860.

Public Letter to Mr. Reid Commissioner of Rajshahye Division, dated 31 August 1860.

4. Notwithstanding the excitement prevailing in other quarters, no feeling against indigo was shown in our concerns until the vernacular proclamation of his Honor the Lieutenant-Governor (*see* annexed copy with translation), was circulated throughout our villages in the Shikarpore concern by the Kurreempore police authorities. The proclamation became known at the same time to the ryots of our adjoining Furreedpore and Barromassia concerns, which are also within the Kurreempore jurisdiction, and at a later period to our ryots in Rajshahye and Pubna, by means of copies of the proclamation procured from Kishenaghur, and also from Shikarpore, where most of the head ryots hold lands.

5. The circulation of the document was carried out gradually, commencing in May, and being, apparently, pretty generally completed by the latter part of July.

6. The effect of this proclamation has been to put a complete stop to our indigo cultivation, the ryots throughout all our concerns have accepted it as an invitation and command from Government to disregard their unfulfilled contracts, and to cease all further cultivation for us. This they state openly, and no efforts of the local authorities have hitherto succeeded in undeceiving them, or in breaking the general combination into which they have entered, while each subsequent proclamation issued by his Honour is considered and interpreted by the ryots as a further evidence of the desire of Government to support them in their illegal proceedings.

7. The more favourably disposed, when affirming their determination not to sow indigo, state

state that as Government has ordered them by proclamation, circulated from village to village, not to sow, the only thing that would now influence them would be a proclamation similarly circulated, ordering that they must sow. The more evil disposed (by far the greater number) declare their determination, even in presence of the authorities, to resort to force and bloodshed rather than sow any longer, and under such circumstances the magistrates are powerless, and the proclamation and orders above referred to but add to the rapidly increasing lawlessness throughout the country.

8. Such is the present state of things, and such is the manner in which our contracts, heretofore upheld by decisions of the civil courts, are set at nought.

9. But the combination has proceeded further than the refusal to fulfil the terms of their own individual engagements; the ryots are now proceeding to extremities, and the feeling has merged into a conspiracy of the widest and most general character ever known in Lower Bengal. Our Neez Jote cultivations (in most cases our own private property) are being daily wrested from us forcibly, our factory and even the household servants are already in many cases compelled to relinquish their employ and join the conspiracy, supplies of food and other necessities are refused them, and they are subjected to numerous other outrages, many of which have been made known to the proper authorities, but as yet without any effective steps having been taken to remedy such a state of things; no instigator has been punished, no example has been made, a few isolated Europeans are left unprotected amongst the myriads banded against them, and if things are allowed to continue thus much longer, none of our managers or Europeans in the Indigo concerns can with safety remain in the factories. This is no exaggerated account, but what is actually at this moment the case in the districts in which our concerns are situated. Since the first settlement of Europeans in this country no such crisis has occurred in Bengal, and while the laws now in force appear to us to be insufficient to supply the means of an equal and impartial dispensation of justice, we feel bound to add that the apparent disinclination of some of the district authorities to report to Government the actual state of matters, and the general belief in their being fettered in the exercise of their own judgment, are fast bringing the authority of the district officers into contempt, and tend greatly to add to the deplorable state of anarchy into which this part of the country is fast drifting.

10. Our contract engagements with our indigo ryots are from 17,000 to 18,000 in number; one and all refuse to act up to their undertakings, and plead the orders or permission of Government for the breach thereof. Any explanations to the contrary by the local authorities, or proclamation direct from the Government to the same effect, are disregarded and despised by them; the sowing season has now arrived (and our stock of seed costing over half a lakh of rupees will be valueless by the end of the month), and it is a complete impossibility, even if our contracts were reduced to hundreds instead of thousands, that the civil courts could decide them in time to be of any service, or save us from the vast loss now staring us in the face. We consider we are legally entitled to have our sowings completed and engagements fulfilled, as by regulation V. of 1830, section 5, clause 1, no ryot can claim a release till "the expiration of the period of his contract."

11. We now beg for the prompt assistance of his Honor the Lieutenant-Governor, and solicit that he will undo the evil and injury he has been instrumental in causing us, and that he will adopt such measures as will satisfy the ryots that they are free to resume the relations they held with us previous to the issue of his Honor's proclamation above referred to, and are bound to fulfil the engagements they have entered into, the continued breach of which threatens us with such serious losses. We would at the same time beg to point out that not a ryot from any of our concerns appeared before the Commission, although from the surrounding factories numbers flocked to Kishenaghur, a fact of itself sufficient to show the want of any genuine and unprompted motives for the position they have now taken.

In conclusion, we beg to add that we are prepared to give unimpeachable evidence in corroboration of all we have above stated. Our case is a peculiar one, the five years' engagements above-mentioned being unusual in other concerns, the amount of English capital invested and now at stake is very large, and we feel justified in calling for your most serious consideration of the facts above stated.

From the Office of the Commissioner of Nuddea.

Proclamation by Order of His Honor the Lieutenant Governor.

To all those ryots who having taken advances have not sown indigo, and who having been prosecuted for breach of contract, have been convicted on evidence and imprisoned, and also to those ryots against whom prosecutions have been entered, also to all those ryots directly or indirectly connected with the cultivation of Indigo, this proclamation is made known.

That Act XI. of 1860, promulgated with regard to indigo, will remain in force only for a short period.

Before the commencement of the next indigo sowing season, and all the work connected

nected therewith, Commissioners will be appointed, who will hear and investigate complaints made by the ryots, and after their report to Government, regulations will be instituted by which all will receive justice without favour or partiality; of this, there need be no doubt.

After the present year's sowings it will be optional for the ryots to take advances or enter into contract; in other words, those ryots who this year took advances, and who through ignorance did not work according to the contract proved, were put in gaol, will for the future have it in their option to take advances or not, and sow indigo or not just as they please; in the same manner those ryots who took advances, and who have agreed to sow indigo for this year may also act as they please for next year and sow indigo or not, or take advances or not as they choose.

From *W. Grey*, Esq., Secretary to the Government of India, to Messrs. *Robert Watson & Co.*, care of Messrs. *Jardine, Skinner & Co.*, No. 2063, dated 20 October 1860.

I AM directed to acknowledge the receipt of your letter dated the 11th instant, forwarding copy of a communication which you addressed on the same date to the Government of Bengal, and in reply to state that the Governor General in Council is satisfied that the Lieutenant Governor will do all that he can legally and properly do to enable you to enforce your just claims against all who have entered into *bonâ fide* contracts with you. I am desired also to refer you to the published correspondence which has already taken place with the Indigo Planters' Association and the Government of Bengal, and to state that the Honourable the Lieutenant Governor is engaged in providing means for facilitating and expediting the administration of the law, and that this and the firm preservation of the peace are the objects to which the exertions of the Government must continue to be directed.

2. I am instructed to add, with reference to the concluding words of your letter, that as regards any impression on the minds of the ryots that the Government desires to put a stop to the cultivation of indigo, the Governor General in Council believes it to be impossible to place the real views of the Government on this point more plainly before the ryots than has been done in the last proclamation.

(No. 2364.)

COPY of this letter, and of the one to which it is a reply, forwarded to the Government of Bengal, for information, with reference to Messrs. Watson & Company's letter to that Government dated the 11th instant.

(Judicial.—No. 5711.)

From *H. Bell*, Esq., Under Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department.

Sir,

Fort William, 1 November 1860.

WITH reference to your memorandum (No. 2364) of the 20th ultimo, I am directed to forward, for the information of his Excellency the Governor General in Council, the accompanying copy of a letter,* addressed to Messrs. Watson & Co. in reply to a communication received from them of the 11th ultimo.

* No. 5550, dated 17th instant.

2. A copy of letter to the Sudder Court (No. 5569), dated the 17th instant, requesting that all possible provision may be made against the chance of delay in the disposal of indigo cases in the Courts of First Instance, is also annexed.

I have, &c.

(signed) *H. Bell*,

Under Secretary to the Government of Bengal.

From *W. S. Seton-Karr*, Esq., Officiating Secretary to the Government of Bengal, to Messrs. *Watson & Co.* (No. 5550), dated the 17th October 1860.

Gentlemen,

I AM directed to acknowledge the receipt of a letter dated the 11th instant, written on your part by your agents Messrs. Jardine, Skinner & Co. representing that the ryots, who are stated to be under contract to you, refuse to cultivate indigo, and that they are now in combination, proceeding to extremities against your factories and servants, whilst nothing has been done to remedy this state of things, no instigator having yet been punished; and asking that measures

measures may be promptly adopted to satisfy the ryots that they are free to resume their previous relations to you, and are bound to fulfil the engagements they have entered into. It is stated in your agent's letter that the ryots have accepted a proclamation which was issued in a neighbouring division, but not in the division where your concerns are mainly situated, as an invitation and command from Government to them, to disregard their unfulfilled contracts, and to cease all further cultivation of indigo. To this you attribute the refusal to cultivate in your case, and you apply to Government to undo the evil.

2. In reply, I am desired to refer you to the proclamation lately issued under the sanction of the Governor General in Council, which, in an unmistakeable manner, explains their position to all parties. A large number of copies of that proclamation in the vernacular has been sent to the Commissioners, both of Nuddea and Rajshahye, with instructions to make the contents thoroughly known to the people in all places where a rupture between the planters and the ryots has shown itself so decidedly, that the issue of any proclamation at all on the subject could not have any bad effect, or be liable to be misunderstood.

3. In that proclamation it is declared that "if any ryots or other persons believe that the Government wishes that the cultivation of indigo should cease, they are mistaken," and "all ryots who are under a valid unexpired contract are warned that if they do not fulfil their engagements honestly, they will be liable to actions in the civil court, and to decrees for damages." The Lieutenant Governor has no reason to doubt that this proclamation, issued with the sanction of the highest authority, has been made generally known, wherever it was required. But a copy of your letter will be sent to the commissioners of both divisions, with instructions that, with especial advertence to such cases as you describe, if any means still remain untaken for the purpose of impressing upon the minds of such ryots as may be under valid unexpired contracts their true position, further means for that purpose may be taken, whenever required.

4. If you will point out specifically any additional means which may be unobjectionably employed for this purpose, such means will be most readily employed. But with reference to the measure indicated in paragraph 7 of your agent's letter, it must be observed that no proclamation has ever been circulated anywhere ordering ryots not to sow; or capable of being understood in any such sense; and that it is impossible for Government to circulate a proclamation, telling ryots "that they must sow." All that Government can do is to warn such ryots as may be under valid contracts to sow, of the legal consequences of a breach of such contract on their part. And this has been distinctly done in the proclamation above mentioned. It will be the duty of all officers of Government to explain this point on all proper occasions; and it is not made by you a ground of complaint that this duty has been neglected. The complaint is, that the explanations of the local authorities are disregarded and despised, and that the majority of the ryots declare, even in the presence of the authorities, their determination to resort to force and bloodshed, rather than sow indigo any longer.

5. It is unnecessary to assure you that any resort to unlawful violence would be promptly checked, and severely punished; but you must be fully aware that such disputes as you describe are matters which no authority has any power to deal with, except the constituted civil courts; from which, however, presuming the claim to be established, real and full redress is promptly obtainable under the new code of civil procedure.

6. A state of such strong feeling on the part of the ryots as is described, is very much to be lamented; and it may perhaps be a matter worthy of the consideration of both the parties in the dispute which has unhappily arisen, whether an amicable adjustment would not be best for all concerned, based upon such terms of mutual advantage as would remove the animosity reported as now existing; which if it continues seems incompatible with permanent commercial relations profitable to either party. But this is a matter with which the Executive Government can have no concern. All that the Executive Department can do is to see that, if these disputes are brought into the civil courts for settlement, there may be no want of a sufficiency of tribunals to settle them as

speedily as possible. But as yet it is not said that you have instituted a single case, although in the state of facts represented, it is plain that no proclamations or explanations could have anything like the effect of a few cases, in which the question of legal liability must be determined in a manner that will leave neither party in any doubt either as to the fact of its existence, or the consequences or non-fulfilment when it exists.

7. An additional judge has been already appointed expressly for the prompt decision of appeals in these indigo cases of all sorts. Any requisite number of moonsiffs will be made available on the first appearance of pressure. The Sudder Court will be addressed, in order that all possible provision may be made against the chance of delay in the disposal of this particular class of suits in the Courts of First Instance, owing to the existence of arrears, or the pressure of other business.

8. And if it be possible for Government to take any further legitimate measures for the purpose of affording prompt and effective justice in these cases, there is every disposition to do whatever more may be proper in this sense. But this is a point that cannot be pressed till some suits at least are lodged.

9. The next complaint is that lands, for the most part your private property, are in course of being daily wrested from you forcibly. If this be so, the remedy is in your own hands, by summary action under Act IV. of 1840, before the magisterial authorities. It is not stated that any such actions have been instituted. But it must be apparent to you, that until complaints of wrongful acts are made in regular course to the proper authorities, redress is impossible.

10. For the promptest possible settlement of cases of this nature, provision has already been made. Sub-divisional officers have been largely multiplied, so that in the indigo districts no reasonable complaint of the distance of the magistrate can now be made. Besides this, extra officers, with full powers, have been appointed to these districts, expressly for the trial of summary suits under Act IV. of 1840. Such officers will be multiplied wherever it is shown that their services will be really required. And, as has been mentioned, an additional judge has been appointed expressly that appeals may be promptly disposed of.

11. It is next complained that outrages are committed against planters and their servants, for which no one has been punished, though many of the facts have been made known to the proper authorities. Presuming the acts alluded to, to be such as are punishable, it is again to be observed that it is not alleged that proof has been adduced, or even that formal complaint has been made in a magistrate's court in any single instance. Yet it will be plain to you that till a criminal act is proved no one can be punished.

12. Again, it is stated that there is an apparent disinclination on the part of some of the district officers to report the actual state of matters; and that there is a general belief that they are fettered in their own judgments; but no officer is named as failing to report the actual state of things, or as feeling that he is fettered. It is hardly necessary to say that no one has any power to interfere with officers acting judicially, except the appellate tribunals; and that magisterial action is not fettered otherwise than by the necessity of acting according to law.

13. Satisfactory results cannot be obtained by vague representations of this character. It is the Lieutenant Governor's earnest desire, and he is convinced that it is equally the desire of the district authorities, to correct anything that requires correction, and to the correction of which you can properly look to the Government or the magistracy. But neither the Lieutenant Governor nor the district officers can do anything to the purpose, on such general complaints as the present one. As to the legal effect of Regulation V. of 1830, and as to the fact of the existence of unexpired contracts, these are questions which are exclusively for the decision of the civil courts. On such points neither Government nor the magisterial officers have any authority to act, even after hearing both sides. But as to the state of things in the districts being such as to warrant the belief

belief that they may shortly become so bad as to make it impossible for any of their managers or European assistants in the indigo concerns to remain in safety in the factories; though up to this moment nothing has been reported to Government by any public officer which, in any degree, warrants such a description; and though Government has taken unusual precautions for keeping the peace, and for the security of person and property in the indigo districts, the Commissioners will be directed to put themselves immediately into communication with you, and you are requested without delay to lay before these officers, or before one or other of them in full detail, the evidence referred to in your agent's letter, as supporting your general averments.

(No. 5551.)

COPY of the above letter, and of the one to which it is a reply, forwarded for the information and guidance of the Officiating Commissioner of Nuddea.

(No. 5552.)

COPY of the above letter, and of the one to which it is a reply, forwarded for the information and guidance of the Officiating Commissioner of Rajshahye.

From *H. Bell*, Esq., Under Secretary to the Government of Bengal, to the Registrar of the Sudder Court. (No. 5569), dated 17 October 1860.

Sir,

WITH reference to the annexed extract (paragraph 7) of a letter* addressed to Messrs. Watson & Co., indigo planters, I am directed to request that instructions may be issued to the civil courts in the indigo districts, for the speedy adjudication of suits of the nature therein indicated, and that all possible provision may be made against the chance of delay in the disposal of such suits, in the Courts of First Instance, owing to the existence of arrears, or the pressure of other business.

* No. 5550, of this day's date.

(Judicial.—No. 100 of 1860.)

To the Right Honourable Sir *Charles Wood*, Bart., G.C.B., Secretary of State for India.

Sir,

WE have the honour to transmit a copy of the Papers noted on the margin, on the subject of a representation made by Mr. James Cockburn, the manager of the indigo concerns belonging to the Messrs. Watson, relating to the alleged existence of a dangerous state of feeling among the ryots of the indigo districts, and the measures which should be adopted for its suppression.

From Mr. Cockburn, dated 25 August 1860.

To Government of Bengal (No. 2107), dated 31 October 1860.

From ditto (No. 5843), dated 7 November 1860.

2. The further report promised by the Lieutenant Governor, in the 7th paragraph of Mr. Officiating Secretary Seton-Karr's letter, will be forwarded in due course.

We have, &c.
(signed) *W. B. Frere.*
Cecil Beadon.

Fort William, 27 November 1860.

From *J. Cockburn, Esq.*, to *L. Bowring, Esq.*, Private Secretary to his Excellency the Viceroy and Governor General, dated Calcutta, 25 August 1860.

WHEN I waited on Lord Canning on the 21st instant, I did so with the view of limiting myself to laying before his Lordship such information as I possessed regarding the present feeling in the indigo districts, and the extent to which the combination of the agricultural population had proceeded.

Believing, as in common with all Mofussil residents I do, that the existing excitement is attributable to the injudicious measures of the Bengal Government, it seemed to me that it was to the Supreme Government we were entitled to look to supply the remedy, and consequently when asked by his Lordship to state what measures I would suggest, I was not prepared to propose any definite course of procedure.

On further consideration, however, I am desirous of stating my conviction that, while the present illegal combination is permitted to extend itself throughout the country, no legal enactments which could be passed would be of any avail in restoring order, and what I should most desire to see would be, instructions issued by the Supreme Government to the Executive Officers of the different disturbed districts, intimating to them that the present illegal combination must be put down. To call on planters to furnish legal proof of what they allege is, in the present state of the country, a mockery of justice. Even our own servants dare not give evidence—they are assaulted, threatened in their own persons and that of their families; the village barbers will not shave them; the village herdsman will not sell them milk, and they are being driven in hundreds to leave situations which have hitherto been objects of eager competition. Under such circumstances a vigour beyond the law can alone restore that order which the law is primarily intended to preserve. Magistrates may easily satisfy themselves as to the fact of these illegal combinations, and if authorised to suppress them when so satisfied, without requiring technical proof, and if relieved from the fear of the Bengal Government, we might speedily see an end of the present disastrous state of things. Nothing will tend more immediately to effect this than the summary and severe punishment of the instigators of the ryots, who care not if they ruin those whom they mislead so long as they attain their own ends.

This object once accomplished, an adjustment of all real differences between planters and ryots might easily be obtained. The Report of the Indigo Commission will shortly be in the hands of the Governor General, and the views they may express, may confidently be expected to throw much light on the question of the proper measures to be adopted, which in my opinion ought to include a simple summary law of contract; but I have no faith in any remedies they may suggest that do not include an energetic and summary suppression of the mutinous spirit now spreading throughout the country.

Many of those interested in the Mofussil advocate the appointment of a Special Commissioner with full powers to act as may seem to him best, but in adopting this suggestion everything would so entirely depend on the personal character and experience of the officer Government might see fit to appoint, that I hesitate to advocate a step that might be productive of even greater evils than it is now sought to remedy.

Begging that you will have the goodness to communicate to Lord Canning the purpose of this letter,

From *W. Grey, Esquire*, Secretary to the Government of India, to *W. S. Seton-Karr, Esq.*, Officiating Secretary to the Government of Bengal, No. 2107.

I AM directed to transmit, for the purpose of its being laid before the Honourable the Lieutenant Governor, the accompanying letter from Mr. James Cockburn, the manager of the extensive indigo concerns belonging to the Messrs. Watson, to the address of the Private Secretary to the Governor-General, relative to the alleged illegal combination on the part of the agricultural population

population of the indigo districts against the planters, and to the measures which alone in his opinion will suffice to prevent the ill consequences of such combination.

2. The letter, I am desired to state, is sent to the Lieutenant-Governor, not for any value attached by the Government of India to the recommendations which it contains, but with the view of drawing his Honor's attention to the impressions under which a respectable firm labour, that their interests are in danger from a growing combination amongst the native population, which, though no breach of the peace appears to have resulted from it, would, if the statements in the letter be correct, seem to require close watching in order to prevent that consequence.

P.S.—31st October.—This letter was written and intended to be despatched in the first week of September, but has until now been inadvertently overlooked.

(No. 5843.)

From *W. S. Seton-Karr*, Esq., Officiating Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department.

(Judicial.)

Sir,

Fort William, 7 November 1860.

I AM directed to acknowledge the receipt of your letter, No. 2107, dated the 31st ultimo, forwarding one from Mr. James Cockburn, manager of the indigo concerns of the Messrs. Watson, to the address of the Private Secretary to the Governor General, relative to the alleged existence of a dangerous state of feeling among the ryots of the indigo districts.

2. His Excellency in Council will have seen from the correspondence of this Government with Messrs. Watson & Co., submitted with the letter No. 5711, dated the 1st instant, that as soon as the Lieutenant Governor was made aware of the impressions of that very respectable firm, as to the existence of a dangerous state of feeling, he requested them without delay to lay before the Commissioners of the Nuddea and Rajshahye divisions, or before one or other of them, in full detail, the evidence referred to in their agent's letter, as supporting the general averments made by them. A copy of Mr. Cockburn's letter will also be forwarded to the Commissioners of Nuddea and Rajshahye, who will be requested to submit their reports as soon as they have examined the grounds on which Messrs. Watson & Co.'s alarm is founded.

3. It is proper, however, that His Excellency in Council should be informed at once, with reference to Mr. Cockburn's impressions regarding the state of the country, that, although more than two months have elapsed since Mr. Cockburn's letter was written, nothing that has yet come to the Lieutenant Governor's knowledge supports the suspicion, that there is at present any feeling in the minds of the ryots of the neighbouring indigo districts, except an intense aversion to continue the cultivation of indigo under the old system and on the old terms. Not a single complaint has come to the Lieutenant Governor's knowledge, made either by or against any European gentleman engaged in trade in the interior, except only in connection with indigo. The highly respectable firm to which Mr. Cockburn belongs are, the Lieutenant Governor believes, the largest silk factors in India, but there are no complaints of difficulties made by them in that capacity.

4. The silk trade and all other trades, in which Europeans are engaged in Bengal, are conducted on sound principles, to the mutual profit of all concerned. In this material respect the indigo trade unhappily differs from other trades. The natural inference, from the unhappy rupture in that single trade, whilst no disorder exists in other trades, seems to be, not that this rupture is the work of malicious instigators, or the sign of a "mutinous spirit now spreading throughout the country," but that it is the result of causes peculiar to the one trade affected, which those concerned in it are alone able to remove, by

adopting in this trade the system of free bargains and fair market prices, which is established in all other trades.

* Paragraphs 124, to 127.

5. The notion of the existence of instigators or emissaries, by whom the rupture in the indigo trade has been caused or encouraged, has been exploded by the inquiries and Report of the Indigo Commissions,* and no information received by the Lieutenant-Governor tends in the least degree to support the suspicion of the existence of any combination against European traders generally. Towards Her Majesty's Government and its officers there certainly is no disaffection. It is manifest that self interest must always tend to unite in kindly relations the producer and the merchant or manufacturer, as long as the rights and interests of both parties are respected.

6. Even, therefore, if such "general combination" and "mutinous spirit," as is assumed by Mr. Cockburn to exist, were, contrary to all present appearances, to be found really to exist, the Lieutenant Governor would look for the remedy, not to "vigour beyond the law," to be exercised against one of the parties, "without requiring technical proof," such as Mr. Cockburn in general terms recommends, but in redoubled anxiety to do equal justice, and to afford legal protection fairly to all parties.

7. The first object, however, is to ascertain whether Mr. Cockburn's suppositions are supported by facts. The Commissioners of the two divisions in question will be in a position to ascertain this, when Messrs. Watson & Co. have developed to them their grounds, and when such further inquiries as such development may indicate as necessary shall have been made, the result will be duly reported to his Excellency in Council.

I have, &c.

(signed) W. S. Seton-Karr,

Officiating Secretary to the Government of Bengal.

— No. 4. —

MINUTE by the Lieutenant Governor of Bengal on the REPORT of the INDIGO COMMISSION.

The system has been long unsound.

THE Records of Government show that the system of indigo manufacture in the province of Bengal proper has been unsound from a very early time. Whilst in all other trades all parties concerned have been bound together by the usual commercial ties of mutual interest, in this one trade, in this one province, the indigo manufacture has always been a remarkable exception to this natural and healthy state of things. It would be doing injustice, both to the present race of planters and to the administration of later years, not to admit, at the outset of any discussion of the case between the indigo manufacturer and the producer of the raw plant, who are now at issue, that there has been in later years a gradual but what is now a marked and great diminution of the gravest and most striking classes of cases of abuse and oppression, as well as of the most serious sorts of affray, connected with this business. But, substantially, the system at the beginning of the present year was as false as ever it had been.

Abuses in 1810.

2. In the year 1810, the licenses granted to four planters to reside in the interior of the country were withdrawn, on account of the severe ill usage of the natives proved against them; and the Governor General in Council found it necessary to issue a circular in that year, of date the 13th of July, from which the following is an extract:—

"The attention of Government has recently been attracted, in a particular manner, to abuses and oppressions committed by Europeans, who are established as indigo planters in different parts of the country. Numerous as those abuses and oppressions have latterly been, the Right Honourable the Governor General in Council is still willing to hope that this imputation does not attach to the character of the indigo planters generally, considered as a body or class of people. The facts, however, which have recently been established against some individuals of that class, before the magistrates and the Supreme Court of Judicature, are of so flagrant a nature, that the Governor General in Council considers it an act of indispensable

indispensable public duty to adopt such measures as appear to him, under existing circumstances, best calculated to prevent the repetition of offences equally injurious to the English character and to the peace and happiness of our native subjects.

"The offences to which the following remarks refer, and which have been established beyond all doubt or dispute against individual indigo planters, may be reduced to the following heads :--

"1st. Acts of violence, which, although they amount not in the legal sense of the word to murder, have occasioned the death of natives.

"2d. The illegal detention of the natives in confinement, especially in stocks, with a view to the recovery of balances alleged to be due from them, or for other causes.

"3d. Assembling in a tumultuary manner, the people attached to their respective factories, and others, and engaging in violent affrays with other indigo planters.

"4th. Illicit infliction of punishment, by means of a rattan or otherwise, on the cultivators or other natives."

3. The magistrates were directed by the same circular, to cause stocks kept by planters to be destroyed ; to report to Government cases of illegal corporal punishment, not sufficient to warrant a commitment to the Supreme Court ; and to impress on all Europeans who wished to continue to reside in the country, the necessity of abstaining from ill-treatment of the people.

4. In a subsequent circular of the 22d of July 1810, magistrates were directed to report all proved instances of planters who were convicted of "obliging the ryots who reside in the vicinity of their respective factories to receive advances, and of adopting other illicit and improper means to compel them to cultivate indigo ;" the Governor General in Council observing that he had reason to believe that this was a "habit" of the planters.

5. In the following year, viz., on the 28th May 1811, the Government having received a proposal from the magistrate of Jessore, to the effect that indigo factories should not be allowed to be established within six or eight miles of each other, negatived the proposal, for reasons expressed in the following terms :—

"The natural tendency of such a restriction as that recommended by you, would be to give a single individual an absolute monopoly of the produce of all the lands appropriated to the cultivation of indigo over a tract of country comprising many thousand beegahs round his factory, and, consequently, to place the whole body of ryots within that tract in a state of complete subjection to that individual, with respect to the price of the commodity.

"Under these circumstances, the ryot would be precluded from deriving that benefit from the cultivation of this valuable article which is the natural effect of a free competition, and which is equally essential to the amelioration of his own condition, and to the general agricultural prosperity of the country.

"It is not stated in your letter whether it is proposed that the zemindars, and other holders of lands, should be precluded from the privilege of establishing indigo works (as is now done by many of that class of people), within the stated distance on their own estates. If so it would be a palpable infringement of their natural rights ; if not, the object proposed by you to be effected, of preventing disputes, would be very imperfectly effected."

6. These proceedings of half a century ago, when considered in connexion with late events, will be seen to be of great interest now, and to have a strong practical bearing on the present position of affairs. Similar abuses still exist.

7. I have said that grave crimes connected with indigo have much decreased in frequency ; but it cannot be said that the character of the abuses to which the system of Bengal indigo manufacture is subject is essentially altered now from what it was fifty years ago ; seeing that the published records of Government show examples that have occurred within the last 18 months, of each one of the four heads under which the offences connected with indigo, as prevalent in 1810, are classified in the above cited resolution. Of the first head, the fatal case of Seetul Turufdar is a very melancholy example.* Of the second head, the case of the men whom Mr. Bainbridge, the acting joint magistrate

* The commencement of this is to be found at p. 292, vol. I. of the printed Indigo Records, and the continuation at p. 717, vol. III.

trate of Backergunge, released from the godowns of a planter, is but one of many instances.* Of the third head, the fatal attack on the village of Mullickpore, wherein one man was killed and three men were wounded, reported by the Commissioner of Nuddea† (except that the attack was not made upon a rival factory), is a strong instance; the more remarkable as occurring long after the rupture between planter and ryot had attracted public attention to the indigo question, and when all police authorities were on the alert to repress disorder. Of the fourth head, the case which was made matter of complaint against the magistrate, for sentencing a factory servant to imprisonment for one month, for dragging a man to the factory and flogging him severely, because he would not plough for the planter,‡ will serve as an example. How frequently the peace of the country is still broken by offences connected with indigo, committed by one party or the other, will be seen from the long list of fifty-four such cases that occurred within the last five years in the single district of Nuddea,§ and from the latter part of the list of serious cases given in by the Honourable Mr. Eden,|| both of which will be found in the Appendix of the Report. The sole cause of all such offences is the system under which indigo plant is required by the manufacturer, without paying nearly the cost of its production to the ryot. The evidence taken by the Indigo Commission fully proves that the "habit" denounced on the 22d of July 1810 was still the habit of 1859. And it is perhaps still more remarkable and significant, that the very state of things which Lord Minto's Government, as shown by the orders of May 1811 above quoted, was anxious to avoid, namely the universal establishment of local monopolies of manufacture, has actually come to pass, though not by the action of Government.

Local monopolies, though deprecated in 1811, are now established.

8. Commencing from a time about fifteen years ago, and especially since the establishment of the Indigo Planters' Association, the planters, having portioned out the country amongst them, now honourably abstain from interfering with the portions of their neighbours. The result has been advantageous to themselves, and it has removed one fertile source of affrays. But though it has saved magistrates much trouble, and has been good for the general peace of the country, the result has been anything but good for the ryot as a grower of indigo plant. When he stood in the midst of rival manufacturers, many of them at feud with each other, he had some refuge from oppression or vexation under any one; and there was some check upon planters in their relation with ryots, which has now ceased to exist. It is only this system of local indigo seignories that made it possible for the planters to commit the fatal error of insisting upon indigo plant at the old price, in the last few years, when the prices of agricultural produce have doubled, or nearly doubled.

And planters have acquired landed tenures.

9. Another change of a somewhat similar nature has had the same tendency. Of late years indigo planters have very generally acquired zemindarees, talooks, and farming leases, giving them, permanently or temporarily, a superiority in the lands around their factories. In a general view, this is quite as it should be. If the law had been strong enough to enforce a sound and fair system of trade and manufacture, this change would have been a benefit. These tenures do not affect the rights of the ryot in his ryotty land, over which he has the dominion as long as he pays to the superior his legal jumma, or rent. But under the unsound and unfair system of trade and manufacture which the weakness of the law permitted, the change told hardly upon the indigo ryot. When the ryot has a zemindar, who is not an indigo manufacturer, he has some protector in indigo matters. When the same man is indigo manufacturer and zemindar, or zemindar's representative, the ryot has no such protection.

Importance of these changes.

10. These two silent but important changes must not be overlooked, when we come to discuss the causes of the late sudden casting off, by the ryot, of a yoke which galled him two generations ago.

A special law in favour of planters refused in 1811.

11. At the same time, that is to say in 1811, the same Government of Lord Minto declared that it could not "discern the smallest necessity for converting the remedy already open to the indigo manufacturer, of a suit in the civil court, into a criminal prosecution:" and further on, in the same letter, the Government said, "Even at present, complaints are but too frequently preferred against indigo manufacturers for the violence of their conduct towards the native. Cases of that nature have regularly received every attention from Government. In some

some instances criminal prosecutions have been instituted against the offenders ; in others, they have been deprived of their licenses for residing in the interior of the country. But still the Vice President in Council apprehends that the evil, however much it may have been checked by those means, is at the present moment only partially eradicated."

12. Thus we see that fifty years ago, as now, there was a demand by the indigo manufacturer for a special law in his own favour, to punish criminally a breach of contract by one party, and only by one party, in a commercial bargain, and that then, as now, the demand was pronounced to be one which it is impossible in justice or policy to grant.

13. In this way matters went on till the year 1830 ; complaints of oppression being made by one party, and complaints of unfaithfulness and fraud by the other. In that year a law (Regulation V.) was passed, which made ryots who broke indigo contracts liable to prosecution and penal consequences, in the magistrate's court, as for a misdemeanour. A special law in favour of planters passed in 1830.

14. The papers connected with this piece of legislation are interesting and instructive. In no way do they support such a law as was passed. What they really showed to be necessary, as was ably demonstrated by Mr. Ross, then a Judge of the Sudder Court, and then, as always, a man of large mind, remarkably free from all prejudice, and one of the earliest promoters of the policy of throwing India widely open to English enterprise and capital, were, primarily, the provision of a sufficiency of local civil courts, by multiplying and reforming the Moonsiffs' Courts ; and secondarily, a procedure somewhat in the nature of a decree for specific performance, to meet cases of poor ryots contracting for but not sowing indigo ; and permission to Europeans to hold land in their own names. It is to be observed that the first of these reforms was very soon afterwards carried into execution by Lord William Bentinck's Government ; and the Moonsiffs' Courts are now numerous, and are daily becoming more efficient. A few years afterwards the third measure proposed by Mr. Ross was carried into effect. And now, under the admirable new Code of Civil Procedure, specific performance can be decreed in all suitable cases, whilst civil suits are decided with all practicable dispatch. What improvements the inquiries in 1830 really showed to be necessary.

15. The law treating one, and one only, of the two parties to a civil contract as a criminal if he failed to fulfil it, was held by the home Government to be manifestly unjust and oppressive, and contrary to all sound principles of legislation ; and it was ordered to be rescinded. After inquiries into the working of the law, and considerable discussion, it was repealed in 1835, by Act XVI. of that year. The special law repealed in 1835.

16. A reference to papers which will be found in the Appendix of the Commission's Report,* namely, the Minutes of the late Lord Macaulay and of Mr. Macleod, of the Indian Law Commission ; the petition of the merchants of Calcutta of 16th July 1835 ; and the searching and elaborate Despatch of the Court of Directors, dated the 10th of April 1832 ; all connected with these proceedings ; will show that exactly the same complaints were made then as now, by one party and by the other, respectively. The merchants of Calcutta complained of want of protection, of fraudulent evasion on the ryots' part, and of the interference of zemindars. On the other hand, the absence of all fair and healthy competition, and the forced cultivation from which the ryots could not free themselves, were represented. The same admissions as now were made on both sides of the fraud and oppressions of the factory servants, and there was talk of a Commission. The questions of the registration of indigo contracts, and of special measures for the protection of the ryot, were discussed, and both proposals were rejected in accordance with Lord Macaulay's opinion. But the authorities unanimously refused to continue a special and exceptional law in favour of the stronger of the two parties, and unanimously determined to leave indigo transactions, like all other commercial dealings, to the settlement of the constituted civil courts. The same complaints on both sides, and the same discussions, in 1835 as now.
* Part I.

17. The Commission talked of more than a quarter of a century ago has now sat. It has laid bare the radical unsoundness of the system ; and has shown incontrovertibly that the break up of such a system was a mere question of time, which might have occurred at any moment, from the slightest of causes.†

The scanty provision of Magisterial Courts the great defect in 1835, which is now supplied.

18. It is to be regretted that one executive reform was not undertaken in 1835, which would of itself, I believe, have purified the system in a very short time; I mean the practical introduction of law, order, and legal protection, in ordinary cases, into the Bengal districts; by stationing officers with magisterial powers in sufficient numbers over the great tracts of country which Bengal districts comprise, so as to make justice and the protection of the law really accessible to the mass of the people. When in such districts as Nuddea and Jessore, each of which is taken as having nearly 1,000,000 of inhabitants, there was only one magistrate's court in each, from which many parts of the district were 60 or 70 miles off, as was the case in 1835, and for many years afterwards, it is not difficult to see why the weak had little chance against the strong. This fatal defect is now supplied, the necessary reform having been going on rapidly of late years. In the Nuddea division, which contains the two chief indigo districts in Lower Bengal, there were before 1843 only four magisterial courts. On the 30th of April 1859, there were 18, and now there are 19. Under a thorough re-arrangement of sub-divisions in the Nuddea division, which I have just completed, there will be 21, mostly at distances of 25 miles from each other. This is a third point to be taken into consideration, together with those mentioned in paragraph 10, when considering why a system of coercion, which has lasted so long, has only now at last broken down.

Why the ryots have only now renounced indigo.

19. I have said that there has been of late years a great and marked decrease of the gravest and most striking classes of cases of oppression and open violence. It will be asked, how then has it happened that the general renouncement of indigo ryotty cultivation, which has just occurred in the principal indigo districts of Bengal Proper, has only now occurred, when things in this respect are better than they were? I believe the answer is found in a combination of various circumstances. The improvement of the police, which has checked affrays, has, as I believe, driven those to whom some means or other of forcing a cultivation unprofitable to the cultivators was a matter of necessity, to other methods of inducement more harassing, on the whole, than an occasional terrible example. The stoppage of all competition amongst planters for ryots must, of late years, very greatly have increased the weight bearing down the individual ryot; and the withdrawal from him of such protection as he before obtained from zemindars, not being indigo planters, must have had a like effect. There have been less friction, fewer stoppages, and less noise of late years, and the pressure of the machine must have been more effective in consequence. There is reason also to infer from the evidence that the demand, in some places at least, has been more severe of late upon the ryot, in the quantity of indigo cultivation required of him, and in the labour required in weeding and tending the crop, than was formerly the case. But the great aggravation of all is due to the late rise of prices. It is in evidence * that all agricultural produce has risen in value, within the last three years or so, to double or very nearly double its former price, and that day labour, and the cost of the maintenance of cattle, has increased in price in the same way. As the single root of all that was at any time wrong in the Bengal indigo system, is in the one fact that the manufacturer did not pay the full cost of the plant; and as there has been no increase in the price paid for this one crop since the above-mentioned extraordinary rise of prices generally; here alone is a cause which must have doubled all the evil of the cultivation to the ryot. The direct money loss was doubled; and as that was the cause of all the other evils, it seems reasonable to assume that they also were increased in the same ratio. No planter pressed upon ryots without an object; and his only possible object was to obtain indigo plant, which would not be spontaneously grown for him at the price he gave. We may be sure that the pressure which is just enough to induce a ryot to sacrifice 10 rupees, must be materially increased to induce him quietly to sacrifice 20.

* See the evidence *passim*, and especially to Appendix the Report, Part I., Nos. 3 & 4.

20. It is indeed in itself an all-sufficient exposition of the character of the Bengal indigo system to state, what is denied by none, that whilst within a few years the prices of all agricultural produce have doubled or nearly doubled, the price paid, or nominally paid, for indigo plant has not been raised by a single anna; and that until the ryots had, as it were, declared open war, it is not shown that a single planter, for several years past, had ever entertained a thought of any increase of price.

21. Whilst the pressure had in this manner become intolerable, the improved administration

administration which, by an increase of sub-divisions, gave the ryots access to magisterial courts, showed them that practically the protection of the law was no longer hopeless; and they came to realize the fact that in the matter of contracting to grow indigo, they were, in truth, free agents. The case of the Jessore planter, to be found in the printed indigo records lately published,* is instructive enough on this point. The planter in question had strenuously objected to the head quarters of one of the new subdivisions being placed near a factory of his, where he said he had a ryotty cultivation of 2,000 beegahs, on the ground, amongst others, of the proneness of natives to litigation, "with the means at their doors." Whilst the question of fixing the head quarters remained in abeyance, the joint magistrate, on going to pay an accidental and private visit to the factory, was appealed to on his way by a villager who alleged that certain persons were confined there. On instant search being made by the joint magistrate, several men (three at least, for so many prosecuted successfully), were found in confinement in a godown, having been so confined, it would appear, there or in other places about two months; and the planter being prosecuted was fined for the offence, whilst five of his omlah were sentenced to both fine and imprisonment for it.

* Page 115, Vol. I.

22. The Indigo Commission, as has been said, report that the crisis which occurred in 1860 might have occurred in any other year.† The combined effect of all the foregoing considerations upon my mind is, that no human power exerted in defiance of the law, in support of the system, could have upheld it much longer; and that if the Government had disregarded justice and policy so far as to make the attempt, it would have been speedily punished by a great agrarian rising, the destructive effects of which upon European and all other capital, no man can calculate.

The crisis could not have been prevented.

† Report, para. 131.

23. Having made the above remarks, conveying my formed conclusions on the general subject, I proceed, as concisely as I can, to follow the points taken up by the Commission in this able report.

The points taken up in the Report.

24. The Commissioners draw an important distinction between the *nij-jote* cultivation, which is conducted by the indigo planter at his own expense, on his own land, and the ryotty cultivation, which is conducted by the ryot, at his own expense, on his own land. It is only the latter sort of cultivation that is a subject of complaint. Whether the former is or is not profitable and prudent is no affair of any one but the planter. It is admitted to be unprofitable to the planter in comparison with ryotty cultivation, and it has consequently diminished in extent. The great Bengal Indigo Company make it their object therefore to decrease their *nij* and to increase their ryotty cultivation;‡ a result which is sufficiently significant in itself, in regard to the question of the profitableness of indigo cultivation on present terms to the ryot. There is another, and a cross classification of indigo cultivation which it is necessary to make, namely, that conducted on high lands and that on chur lands, or new alluvial formations annually inundated. The mass of *nij* cultivation is, I believe, conducted on chur land,§ more especially in the eastern districts; and it is unquestioned that on chur land indigo is subject to comparatively small competition with other crops, and sometimes to none. This may account for the absence of complaint from the eastern districts. The evidence, when carefully analysed, shows that it is a doubtful question whether indigo, at the present prices of the dye, and of agricultural produce generally, can be grown on fair terms, without loss, on the fine high lands of Western Bengal; the richer the soil the less being the comparative return from indigo. But the evidence does not raise this question in regard to chur land. In fact, then, the subject of the present inquiry may be restricted, for most practical purposes, to ryotty cultivation on high lands.

Distinction between *nij* and ryotty cultivation.

‡ Answer 1964.

And between cultivation on high lands and on churs.

25. The Commission assign reasons in their report|| why it would not be a practical recommendation to suggest to planters generally that they should abandon ryotty cultivation, which is the subject of so much complaint, and resort exclusively to *nij* cultivation, which no one can complain of. It appears to me hardly to be doubted that a ryot could cultivate indigo as cheaply as a European planter.

Nij and chur cultivation injured unfairly by enforced ryotty cultivation.

|| Report, para. 26 and following.

§ Where a planter owns or farms a chur, and cultivates it by means of ryots who have no rights of occupancy, and who agree to grow so much indigo as a part of their bargain, the cultivation is to all intents and purposes equivalent to *nij*.

planter. And if in any soil indigo plant cannot be remuneratively grown by a ryot, at the highest price which the manufacturer can afford to give, we may be sure that a European planter would waste his money in attempting himself to grow the plant in similar soil. But I hold it to be certain that *nij* cultivation, as well as chur cultivation, is unfairly discouraged by enforced ryotty cultivation. As far as the manufacturer, all things considered, really profits by getting his plant for less than it costs, so far the manufacturer, who is also really an indigo planter, that is to say, a man who grows his own plant, is unjustly injured. It would be free trade, as between the real planter and the ryot, if the latter grow the plant for his own sake as he grows everything else. But the real planter who grows and manufactures his own plant is, in fact, injured by the manufacturer who undersells him, because he gets his plant at a less price than any free cultivator in his senses would grow it for. In this view, the Indian ryot is very far from being the only person injured by the false system in force.

First head: tenure of land, and relations with zemindars.

• Act XI. of 1839.

† Report, paras. 40 to 55.

26. The first head discussed in the report is the position of the indigo planter, so far as the tenure of land is concerned, and his relations with the native zemindars. The Commissioners show, conclusively, that in this respect there is nothing to complain of, or to amend. A European is as free to acquire any tenure as any other person is, if he has the money to pay for it, and can find a holder willing to sell. Practically, though native zemindars will never, till constrained by the prospect of absolute ruin, sell their tenures, there is no difficulty in purchasing from them under tenures, which are as effectual, and can be made, under an Act* I had myself the pleasure of introducing, as secure as the chief tenure. The zemindary tenure, and all derivative and subordinate tenures, confer the right to rents, variable or invariable, subject to the payment therefrom of the Government revenue; and they are valued because of their money profits, and the influence over the ryots which they give; but they do not generally convey the dominion of the land, which resides for the most part in the ryot, having the right of occupancy, whose tenure is anterior to, and independent of, that of the zemindar. As far as the zemindary tenure goes, it is shown that planters have, in practice, every reasonable and natural facility for obtaining, permanently or temporarily, all the rights which that tenure gives; and that native zemindars, generally, have no hostility to them as a class.†

27. On this point, however, I must observe that some great zemindars will not part with the management of their own zemindarees; and it is known that some object to the extension of the existing system of indigo planting in their zemindarees, not on their own account, but on account of their ryots. The enforcement of a healthy system of indigo planting, beneficial to grower as well as to manufacturer, would remove this objection.

28. It has never been doubted that a planter or any one else can purchase what ryotty tenures he can pay the price for, if he pleases. But the cost would be excessive by reason of the value of the property; and when planters do all they can to get rid of *nij* cultivation, they are not likely, save in exceptional cases, to spend much money in paying large prices for ryots' *jotes*.

Practice of taking undertenures at excessive rents.

‡ Report, para. 45

29. One practice is mentioned, which is known to be not uncommon, and which, I think, deserves more reprehension than it has received; I refer to the practice of a zemindar giving a lease of his zemindary right to a planter, at a rent which not only leaves no margin for expenses and risks of collection, but which is largely in excess of the gross rental lawfully demandable from the ryots.‡ In such cases the only possible reason for agreeing to pay the excess, is the expectation that, by the misuse of the zemindary right, the holder may be able to extract in some way, directly or indirectly, more from the ryot than is legally demandable. When a native zemindar does this directly in the form of money, he is said to impose an illegal cess, and he is liable to a penalty of three times the amount imposed, for the entire period of such impositions, under the provisions of Section 65, Regulation VIII. of 1793. I cannot see that the extraction of the same value in the form of indigo plant is, in any legal or moral view, different from an illegal cess of money. Such a mode of levying an illegal cess, being more indeterminate, is obviously liable to greater abuse in practice than a direct money cess. The planters complain of this practice; and it is certainly very wrong in the zemindar to sell, as it were, not only his own rights but those of his ryots. But I cannot think that it is right in the planter to

to become a party to the act. This practice is one of the smaller traits of the system that go far to explain the whole system. If the planter spent the excess rent upon the ryots, instead of upon the zemindar, the amount would enable him to obtain willing cultivators for some part of his required plant.

30. There seems no other objectionable point in the ordinary relations between planter and zemindar, or in the system under which tenures are obtainable by planters.

31. The Commissioners next proceed to discuss the relations between the planter and the ryot; and under this head may be classed the following questions: the profitableness or unprofitableness of the crop to the ryot; the willingness or unwillingness of the ryot to grow it; and the means taken to induce the ryot to grow it, which includes the question of the oppressions which the ryot complains of.

Second head: relations between planter and ryot.

32. The Commissioners pronounce conclusively that the cultivation is unprofitable to the ryot, supporting the conclusion by the consentaneous evidence of the planters themselves.* This is, indeed, the one point upon which the whole indigo question turns; and it is not disputed. I do not find that the Commissioners have gone so far into this point as to settle to what degree, pecuniarily, the cultivation is unprofitable, though that it is so to a very extreme degree is sufficiently apparent from the strength of the feeling against it, amongst those who would profit by it if it were profitable, and who ought to profit by it, and must profit by it, if it is to be carried on at all. There is, however, a great mass of most valuable evidence upon this point in the Appendix of the Report. I have gone into it to satisfy my own mind upon this point, and the result has convinced me that the loss of the ryot in the cultivation of this crop on the high lands of Nuddea and Jessore is, at the present time of agricultural high prices, greatly beyond even the general opinion on the subject. In a separate note appended to this minute, I have referred to the evidence proving this. Rejecting all extreme cases, and giving indigo the benefit of all doubts, I cannot put the absolute loss to the ryot at a low average, reckoning the net loss on the cultivation of indigo at the highest price now allowed, and the loss of the net profit the ryot would make by any other ordinary crop at the market price, at less than seven rupees a beegah, equivalent at the least to seven times the rent of the land.

Indigo cultivation unprofitable to the ryot.

* Report, para. 60.

33. Now, if one remembers that these ryots are not Carolina slaves, but the free yeomanry of this country, and, indeed, strictly speaking, the virtual owners of the greater part of the land in the old cultivated parts of Bengal, so heavy a loss as this will fully account to us for the strength of the opposition to indigo cultivation which we have just experienced. One-sixteenth of his whole land is a common proportion which, it is insisted, an indigo ryot shall sow in indigo. This is as though a farmer in Great Britain, farming under a long lease 160 acres of land, at a rent of 2*l.* an acre, were, by some sort of pressure, forced to cultivate 10 acres, say in flax, which he was compelled to sell to a certain neighbouring manufacturer at a dead loss of 140 *l.* a year. This is precisely a parallel case, in the legal and economical view. In the social and political view, the case of a new English landlord forcing a corresponding loss upon several thousand Irish cotters, would perhaps be a fairer illustration.

34. On the planter's side some reliance has been placed on certain incidental advantages claimed for an indigo ryot. So far as such alleged incidental advantages are of a tangible character, they have faded away before the search of the Commission.† But there is really little use in discussing such a point. There is but one judge of the relative value of the advantages of the cultivation, direct and incidental, and that is the ryot. And he has delivered his judgment on the point, in an unmistakable manner.

Incidental advantages discussed.

† Report, para. 64.

35. The most tangible of the incidental advantages sometimes put forward, is an alleged benefit in the form of a low rent. But not a single instance is advanced in which rents have been reduced by an indigo planter, on obtaining a lease or talook. The extent of the claim goes no further than the assertion, that indigo planters refrain from raising the rents. But as to this, also, few instances are advanced in which a neighbouring zemindar has raised his rents, whilst those of indigo ryots were not raised. In the concerns of Mr. Hills, in Nuddea, the

Rents.

rents

rents, I understand, have not been raised to the pergunnah standard. On the whole, I think it very probable that there may be some reality, in certain cases, in this alleged incidental advantage; and it is to me a subject of consolation to think that a moderate, proper, and lawful increase of rents, may be a compensation to some planters who hold tenures of land, and may be constrained to abandon the indigo manufacture. But it is to be remembered that the rents of a very large class of ryots cannot be raised at all; that no rents can be raised, except under due form and process of law; and that rents cannot be raised arbitrarily, or beyond certain determinable rates, when raised at all; whilst no reasonable increase of rent upon sixteen beegahs would be to the ryot equivalent to a loss of seven rents upon one beegah.

36. To the indigo planter holding a tenure, indeed, the case will be different. The evidence goes to show that the market value of the indigo dye made from the average produce of a beegah of land does not, at most, exceed ten rupees. The net profit of the manufacturer, under any system of payment for the raw plant, must of course be very much less. It may well be that to him, therefore, a moderate, proper, and lawful increase of rent upon sixteen or twenty beegahs of land, will be a compensation for all the profit possible from the indigo of one beegah; and if this should be the case, all parties would have great cause to rejoice.

Intense dislike of the ryots to indigo cultivation.

* Report, para. 131.

† See especially answers 138, 918, 1248, 1249, 1262, 1351, 1165, 1624, 1625, 3214.

37. On the actual question of fact as to the dislike of ryots to indigo cultivation, on the old system, the report of the Commission is conclusive as to the intensity of the feeling.* Indeed the report, which in the mildness of its tone is admirable, can give but a faint impression of the intensity of the feeling on the ryots' part, compared to that which a reader will derive from a perusal of the appended evidence of the ryots themselves, and of the missionaries,† who, living in unconstrained private intercourse with the ryots around them, know the feelings of the whole class of ryots better than any other Europeans do.

38. This is the great point of political bearing in the whole question, and it cannot be too attentively considered by all who have any responsibility for the tranquillity of the country, and the strength of the British Government within it. I would ask especially a perusal of the answers just noted in the margin. If any one thinks that such a demonstration of strong feeling, by hundreds of thousands of people, as we have just witnessed in Bengal, has no meaning of greater importance than an ordinary commercial question concerning a particular blue dye, such a person, in my opinion, is fatally mistaken in the signs of the time.

Means of inducement to grow indigo.

39. The next point is the means taken to induce the ryot to grow this crop, which has been proved to be very unprofitable, and intensely disliked. The fact is, that the larger part of the dislike is due to the means indispensable to make people do what is very unprofitable, and the smaller part only to the actual loss of money involved. Probably, most ryots would grow a small quantity of indigo for nothing, to please their zemindars; and this is the system which native zemindars who manufacture indigo, knowing their men, adopt. The European, more devoted to the trade, less fearful of ulterior consequences, and knowing his men less, has strained the bond till it has broken.

‡ Report, para. 59.

§ See 55, 398, 200.

|| Appendix No. 1, Part I.

40. The Commission show that the bait of advances is not now operative to bring new men into the factory books; cases of fresh advances to new men being of very rare occurrence. Sons, succeeding to their fathers' property and debts, are said to conceive the impression that they are liable for their fathers' engagements, and so are persuaded to sow.‡ The price allowed for an average crop of indigo not being, in the vast majority of cases, enough to clear the advances, and the heavy charges for seed, stamps, &c., the debt increases constantly. The average produce is stated by planters to be eight or nine or ten bundles a beegah.§ The average price fixed is shown to be between five and six bundles for the rupee;|| the highest anywhere given being four bundles. The advance is always nominally two rupees a beegah. But when there is a balance against the ryot, as there is in the vast majority of cases, a small part only of the two rupees is really advanced, that is to say, is paid in cash, the remainder being merely transferred in account. The charges are from four annas to eight annas a beegah for seed; two to four or even eight annas for stamps; and in many cases four to seven and even to thirteen annas a beegah for carting. Of twenty-three thousand two hundred indigo ryots who cultivated for the Bengal Indigo Company's

Company's concerns in 1858-59, only two thousand four hundred and forty-eight were shown by Mr. Larmour to have received any payment for plant delivered, beyond the trifle of cash advanced. Many written engagements contain a clause that any balance shall be paid, not in money, but in indigo, at the low rate fixed. These, I gather, are the lawful or quasi lawful, means of insisting on the ryots, or families of ryots, who have once touched an advance, continuing to cultivate. But against so strong a motive of self-interest as there is in the ryot's mind for not cultivating indigo, lawful and quasi lawful means of inducement were necessarily of little power. Consequently, contracts seem to a great extent to have fallen into desuetude, luckily for the ryots, and other means in many cases have been exclusively relied upon. Baboo Joy Chand Paul Chowdry, a great zemindar, who is or was also a great indigo planter (having had thirty-two concerns in his estates, and shares in nine other concerns), is asked: "If the ryots have for the last twenty years been unwilling to sow indigo, how then have they gone on cultivating the plant up to the present time?" To this he answers: "By numerous acts of oppression and violence, by locking them up in godowns, burning their houses, beating them, &c." * The whole of this gentleman's evidence is very instructive, as proceeding from a great zemindar and practical native indigo planter. This, diluted into becoming official language, I find to be the conclusion of the Commission; and it is certainly the inevitable deduction from the whole body of evidence.

* Answer 186.

41. The question of the alleged oppression and unlawful violence practised upon ryots, in relation to indigo cultivation, though from its nature it has naturally attracted a greater degree of public attention than any other part of the whole subject, is but a branch of the last point discussed, namely, the means taken to induce people to undertake the cultivation of what to them is a very unprofitable crop. Oppression.

42. The Commission report that comparatively few cases of actual destruction of human life have been brought to their knowledge, as proved, of late years †; that premeditated affrays with hired clubmen are rare in some districts, and in others unknown ‡; that there is no proved instance of the burning of bazars and houses, though one planter, whose high character entitles him to great respect, "has known of such acts" §; that the demolition of houses, either by the direct or indirect order of the planter, does, the Commission fear, occasionally occur ||; that the practice of imprisoning people in the factory or its out-offices is of common occurrence; that the seizure of cattle, though the cases are not so numerous, is also spoken of as a common occurrence ¶; and that the Commissioners are afraid that in some instances date gardens and plants are up-rooted to make room for indigo. ** Of outrages to women, the Commission most fully, and most justly, acquit all planters. It is much to be regretted that any charge so gross and so unfounded was ever made in any quarter; for it is neither true, nor has it any likelihood of truth in it. ††

† Report, para. 85.

‡ Report, para. 87.

§ Report, para. 88.

|| Report, para. 90.

¶ Report, para. 94.

** Report, para. 95.

†† Report, para. 91.

43. The Commissioners lay most stress on the proved and undeniable prevalence of seizing cattle, and more especially of kidnapping. The last crime they reprobate in strong, but not too strong, language. A country where both these offences are committed habitually, and for the most part with impunity, is a country in which the law affords the weak no protection. The fact is a disgrace to the administration. It is not simple confinement in one godown that is practised. Respectable men are seized, and sent about from one factory to another, to escape discovery; and, as in Seetul Turufdar's case, they are not always ever heard of again. I trust that late measures will have had some appreciable effect in preventing the impunity of such offences, and very earnestly I hope that un-official Englishmen in India will take to heart the exhortation contained in the 105th paragraph of the Commissioners' report.

44. The report treats more lightly than I should myself have been disposed to do the list of forty-nine heinous cases given in by Mr. Eden, as taken chiefly from the records of the supreme and sudder courts. †† No one will have a complete idea of this part of the case, without perusing that very remarkable list which will be found in the Appendix. §§ Although there is one case of thirty years ago, and seven of more than ten years' standing, no less than forty-one of the cases mentioned occurred within the last ten years, and fifteen of them within the last five years.

†† Report, para. 81.

§§ Appendix, No. 21, Part I.

45. Of one of the causes of the most bitter complaints, namely, the oppressions and extortions of the factory omlah, the Commissioners have taken the evidence of ryots. In some instances, they consider this evidence to be exaggerated, as to the number of rupees taken, or of trees cut down, in the cases specified. But they justly draw, from the evident exasperation of the ryots, the conclusion that a strict enough hand has not been kept over the servants of all factories, and that in some instances their oppression has been considerable. The Commission has omitted to notice the case of the gomashita of the Ancoorah factory in the Aurungabad sub-division, whose frightful oppressions were only the other day the cause of a very dangerous tumult.* Probably the omission was due to the fact that the case had been already printed and laid before the public.

* Printed Records, Vol. II., and published official documents.

46. On the whole, my conclusion on this point is, that setting aside individual cases having no connexion, or at least no necessary connexion with the indigo system, that system is fairly chargeable with a very notable portion of those classes of offences, the peculiar prevalence of which in Bengal has been from the first a blot in our administration. In my opinion it is rather the system than the planters individually who are to be blamed. It is to the unprofitableness of the cultivation of indigo, at the extremely inadequate price given for it under the system, necessitating either a forced cultivation, or the abandonment of the manufacture from Bengal ryotty plant, that this and every other evil connected with indigo is attributable. An individual manufacturer could not live upon a fair and free system, surrounded on all sides by competitors who get their raw produce without paying nearly its full value. That a whole class did not spontaneously reform itself from within is not surprising. The chief fault was in the defective, and I fear I must say, the not impartial administration of the law, which allowed such a vicious state of things to exist, where our fellow-countrymen were concerned; a state which very certainly would have been put down with a high hand if only native gentlemen had been concerned.

Minor points: police.

No opposition to planters from civil officers.

† Report, para. 112.

† Report, para. 115.

Missionaries have not caused the refusal to sow.

§ Report, para. 120.

Conduct of the missionaries.

Conduct of the zemindars.

|| Report, para. 124.

Why the system broke down.

Commissioners' recommendations to planters.

47. On minor points, the Commission find that when the assistance of the police is required in disputes between ryot and planter, their venality must be to the present advantage of the richer party, whilst ordinarily the police have no concern with the bargains of planter and ryot.† They find too, from the admissions of the planters themselves, and from the whole tenor of the orders usually passed in disputes about indigo, that the charge so often brought against the civil officers of Government, of favouring native zemindars and ryots from dislike to their own countrymen, and from a desire to keep them out of the country, falls completely to the ground;‡ as I may say so preposterous a charge, whenever examined by sensible men, could not but do. On the contrary, they find that magistrates have not always been sufficiently alive to the position of the ryots, nor accorded to them a due share of protection and support. They say,—“It is not too much to say that had all magistrates held the scales in equal balance, a cultivation of the character which we have clearly shown indigo to be would not have gone on for such a length of time.” I am obliged to support the finding of the Commission on this point. The Commission entirely exonerate the missionaries of the charge of having taken upon themselves the character of political agitators; they show that these excellent men, circumstanced as they were, would have been inexcusable had they turned a deaf ear to the well-founded complaints of the people in close and kindly intercourse with whom they were living, and some of whom belong to their own flocks; and the Commission find that the assertion that the refusal to sow indigo was owing to the preaching of the missionaries, is one which is “entirely without foundation of truth.”§

48. I must not pass this last point, without respectfully expressing my admiration of the conduct of the missionary body throughout these trying events.

49. The Commission conclude their findings by reporting that the discontent of the ryots was not fostered by the zemindars; and that there is no foundation in the stories of emissaries from Calcutta going about the country encouraging ryots to abandon indigo.|| In short, the report concludes that the system broke down because it was hateful to those on whom it pressed.

50. I shall not attempt to follow the Commissioners in the excellent recommendations they make to planters, for the recovery and future management of the indigo

indigo manufacture in these districts. I believe these recommendations to be for the common advantage of all concerned; and I trust that the committee of the Indigo Planters' Association will use their extensive and just influence in causing their observance. But I conceive the whole matter to rest so completely upon the one question of the price of the plant, that I do not think it necessary to say more on the point. If indigo plant is to be grown, it must be grown to the satisfaction and profit of both producer and purchaser. It is for the ryot, and for no one else, to judge what he will take for his crop; and it is for the purchaser, and for no one else, to judge what price he will bid for it. If the two cannot agree, it cannot be helped. The indigo manufacturer must grow his own crop in that case, or the manufacture must be shifted to some other part of the country, where, for want of any more remunerative crop, indigo can be grown to the profit of all parties. On this point I beg to record my complete agreement with the opinion of Mr. A. Forbes, a witness on the planters' side of the question, who, when asked his opinion as to what terms should be offered in future by the planters to the ryots, answered, "I beg to record my opinion that this is a question which must be left to be settled by the planter and the ryots themselves. Any interference on the part of Government can only complicate the question, and should be confined to providing good magistrates, good judges, and good police, who shall see justice done to all, and leave no room for oppression on the one part, or fraud on the other."*

All depends on the price, which the parties must settle.

* Answer 4,000.

51. I hope, however, for their own sake, that the planters will act in the spirit of the recommendations above alluded to; and particularly that they will adopt the recommendation of Mr. Temple and Mr. Fergusson in their separate Minute, extracted on the margin.† I believe the remark therein made upon cases in which, by virtue of still existing contracts, ryots may be legally coerced to sow on the old terms, to be one of the utmost practical importance. Coming from the experienced and intelligent man of business who so efficiently represented the general body of the planters on the committee, a gentleman in whose great ability and candour all parties have the fullest reliance, I strongly hope that the advice will be acted upon.

Concessions recommended.

52. In the paragraph of their report noted on the margin,‡ the Commission speak of the economical importance of the Bengal indigo trade, and of the great political advantage of having a large body of European gentlemen scattered over the country. Certainly the Commission do not in the least degree overrate the importance of these things, and no one feels their great importance more strongly than I do.

General importance of the indigo trade.

† Report, para. 72.

53. As to the indigo trade of this Presidency, however, which is correctly valued at nearly two millions of pounds sterling a year, it must be borne in mind that it is not the whole, or the chief part of this trade, which the refusal of the ryots in the indigo districts of western Bengal to continue the cultivation, has placed in jeopardy.

The chief part of the trade not now in jeopardy.

54. A valuable table in the appendix of the report§ shows the quantity of indigo made in each district of Bengal, Behar, and the North Western Provinces, for the last 10 years; the aggregate of which, exported from the port of Calcutta, constitutes the staple of the Bengal Presidency. Taking the last of these years, 1858-59, as an example, the whole number of maunds made in the year was 106,087, which were made in the following provinces:—

Relative value of the part which is in jeopardy.

§ Part I., Appendix, No. 17.

† "But we deem it right to declare our apprehension, that unless some important concessions are at once made by the planters to the ryots in several districts, nothing short of actual force would induce the ryots to sow. In such places, if an attempt were made by the planters to perpetuate by compulsion the present system, the ryots would, in their present temper, meet force by force, and serious disturbances would result. Or if, in virtue of previous contracts, the ryots were even legally coerced to sow, still a contest would arise that must seriously damage the interests of the planters. In either case, we believe that judicious concession will be the best policy for the planter to adopt towards the ryot."

| PROVINCE. | Maunds. | Per-centage of the whole Crop. |
|----------------------------|----------------|--------------------------------|
| North-west Provinces - - - | 21,643 | 20 $\frac{2}{3}$ ths. |
| Behar* - - - - - | 32,699 | 30 $\frac{1}{3}$ ths. |
| Bengal - - - - - | 40,763 | 38 $\frac{2}{3}$ ths. |
| Native, of all parts - - - | 10,982 | 10 $\frac{2}{3}$ ths. |
| TOTAL - - - | 106,087 | |

* Including Patna, Shahabad, Monghyr, and Bhaugulpore, as well as Chuprah and Tirhoot.

Thus it appears that of the whole indigo trade, in maunds, very little more than 38 per cent., is produced by European planters in Bengal Proper, where only any difficulty has arisen. But considerable reductions must be made from even this quantity, for all indigo produced from churs, and for all indigo produced by *nij* cultivation everywhere in Bengal. The only districts in which any difficulties whatever have been reported are here noted, with the production of each in maunds:—

| | |
|-------------------------------|-----------------------|
| Rajshahye - - - - - | 3,512 Maunds. |
| Maldah - - - - - | 2,777 „ |
| Moorshedabad - - - - - | 4,912 „ |
| Nuddea (Kishnaghur) - - - - - | 8,023 „ |
| Jessore - - - - - | 8,635 „ |
| Furreedpore - - - - - | 1,488 „ |
| TOTAL - - - | 29,347 Maunds. |

† In 1859:—
2,531,726 pounds.

After deducting for *nij*† cultivation, and such chur cultivation as the ryots are satisfied with, it will probably be an excessive calculation to say that 20,000 maunds are in jeopardy, owing to the inadequate price offered to ryots in Bengal. This is less than one-fifth part of the whole indigo trade of the Bengal Presidency. Madras makes nearly double this quantity of indigo.‡ Adding 34,000 maunds for Madras to the Bengal aggregate above given, the whole indigo trade of India will be seen to be about 140,000 maunds. Of this whole only about 14 per cent. in quantity is in any jeopardy, owing to the refusal which the Bengal ryots have declared to continue this cultivation at existing rates. In value, a somewhat higher figure must be taken, because though Tirhoot indigo is improving yearly in quality, and already runs Bengal indigo close, and the same improvement is going on in Madras indigo, the Nuddea and Jessore indigo is still the finest in India.

55. I have not gone into this calculation with any intention of underrating the risk to which the indigo manufacturers of Nuddea and Jessore, and a few neighbouring districts, are exposed. Those manufacturers deserve sympathy for themselves personally, as much as if indigo were made nowhere else in all India. But a large question is in hand, and in treating that large question we must be careful to take no narrow or partial view. I have still to discuss proposals for exceptional protective legislation and executive action, and for the proper discussion of these, the national and comparative importance of that section of the trade for whose interests, exclusively, such exceptional protective measures are proposed, must neither be overrated nor underrated.

56. As

† It appears that in 23 concerns in these districts, the relative proportions of *nij* and ryotty, as given in the Appendix No. I. compiled from returns furnished by planters themselves are as follows:—

Nij, 85,413 beegahs; ryotty, 250,154.

One quarter of the whole cultivation in these concerns is *nij*.

56. As to the local value of the manufacture to the districts in which it is conducted, a point much insisted upon by many, that must depend upon the return both to the producer of the raw material, and to the manufacturer, together. If both make a profit, then the trade must be locally valuable. If neither makes a profit, then it must be locally valueless, or wasteful. But if one party, as we find is the case, loses largely, the question of local value depends upon whether his loss is or is not fully compensated by the extraordinary and exceptional gain of the other party. Now I do not know that indigo manufacture is so extraordinarily and exceptionally gainful anywhere, as to compensate for a loss of seven rupees upon every beegah of land producing the plant. I do not think it is. But I believe that under a sound system, there is still an untouched fund of profit available in the stoppage of that incalculable drain of money spent unproductively, and much worse than unproductively, upon leases at losing rents, upon troops of extortionate servants and overseers, upon licentious clubmen, upon bribery to the police, and upon law expenses, which would all be unnecessary if a price were paid which engaged the producer's self-interest on the manufacturer's side, but which perhaps the best-intentioned planter cannot avoid, whilst all his dealings are with exasperated antagonists, who, as the evidence has shown us, have no interest in the success of the business, and abhor the very name of indigo.*

Local value of the manufacture.

57. As to the advantage of having English gentlemen, with the loyalty, courage, energy, perseverance and skill, which is their patrimony, scattered over the country, it is impossible, in general terms, to rate the political and social value of this too highly. But it is only when these Englishmen are in relations of mutual benefit with the people of the country, that their residence is of social or political advantage. The very same reasons which, in the circumstances of India, make the residence of Europeans an especial source of strength and improvement, when it is, and is felt to be, a benefit by their native neighbours, make it an especial source of weakness and corruption, when it is, and is felt to be, an evil by their native neighbours.

Advantage of having European settlers.

58. Mr. F. Gubbins (to whose conduct and knowledge of the people are greatly due the preservation of Benares in 1857) says of the indigo planters in the Benares division, and says, I am sure, most justly, that "they are almost invariably a blessing to the surrounding country."† Now there is nothing in the air of Benares to make a class of men blessings there, who would not, with equal chances, be blessings elsewhere. It is that there the system is sounder, and the planter works with the ryot, instead of against him. I desire earnestly to see European planters in Bengal "blessings to the surrounding country;" and that is one great reason why I desire earnestly to see a sounder system of indigo manufacture established in Bengal.

Benares Planters blessings to the country.

Because the system is sounder.

† Appendix, No. 26.

59. What an enterprising European can do, both for himself and for the people, when he marries his interest to theirs, is shown in a conspicuous manner by the evidence of Mr. Morell.‡ In 10 years Mr. Morell has cleared 60,000 or 65,000 beegahs (upwards of 20,000 acres) of Soonderbuns jungle. He has granted his cleared land, under permanent pottahs, at a rent of Rs. 1. 2. a beegah,

Instance of European enterprise on a sound system in Bengal.

‡ Answer 2381 and following.

* Answer 1693; Rev. S. J. Hill:—

"The enemy of the soil is indigo;
The enemy of labour is idleness;
So the enemy of caste is Padre Hill."
"Zaminer Shutru nil;
Kormer Shutru dhil;
Temoni jater Shutru Padre Hill."

(The above is a local Bengalee saying.)

Answer 1156; Dinu Mundul:—"But if my throat is cut, I won't sow indigo."

Answer 1165:—"I will die sooner than cultivate indigo."

Answer 1180; Jamir Mundul:—"I would rather go to a country where the indigo plant is never seen or sown."

Answer 1216; Hadji Mulla:—"Rather than sow indigo, I will go to another country; I would rather beg than sow indigo."

Answer 1249; Kulin Mundul:—"I would sow indigo for nobody, not even for my father and mother."

Answer 3214; Panju Mulla:—"No, I would be rather killed with bullets."

beegah, never liable to enhancement; he gets as many ryots as he wishes, but they repudiate the system of advances, fearing that "eventually they may have to take to (*neel*, or) indigo," though they know of indigo only from common report. Mr. Morell told me that the building of a good two-storied brick house on his grant was one of the most fortunate things he did, because it assured the pottahdars and ryots that he would stay amongst them; and it will be seen in his evidence, that the same people who were so anxious to keep him near them, on one occasion, when his gardener had sown in his garden some indigo seed that had been sent from Calcutta in a packet of seeds by mistake, on the plant growing up, "insisted upon having it pulled up and thrown away."* Mr. Morell has in 10 years created for himself an estate which cannot now be worth less than from 80,000 *l.* to 100,000 *l.*; and in doing so he has covered what were 20,000 acres of uninhabited jungle with a happy and thriving population, anxious to keep him near them. This he has accomplished by working on sound principles, to the profit of the people instead of to their loss. In striking contrast to the indigo planters' remonstrance mentioned above in paragraph 21 of this paper, when I had the pleasure of seeing him a few months ago, his only request was, that a subdivision might be established with its head quarters at his residence of Morellgunge.

* Answer 2390.

A sound system the desideratum.

60. When Indian officers, whose first duty is the improvement of India, cease to admire and encourage English residents, who work upon the sound system which produces such results as this, it will be just to accuse them of prejudice against their own fellow countrymen. But it is not just, or reasonable, to accuse them of such prejudice because they wish all their countrymen to work on a system that tends to such results, and disapprove of an unsound system, which produces contrary results.

Proposed changes of law and administration discussed.

61. I now come to the last great head of the report: the discussion of the several recommendations that have been made for legislative or executive action, in relation to indigo planting in Bengal.

What are the proved evils to be remedied.

62. Before remarking upon the recommendations in detail, it will be well to look back, in order to ascertain what are exactly the proved evils requiring to be met by such action. It is impossible to judge of the suitability of a remedy, till we have a clear conception of what it is exactly that requires to be remedied. If we have but a confused, incorrect, and inadequate notion of the real evils, our remedies will be useless, and perhaps hurtful.

Planters' complaints.

63. There is nothing in the evidence to prove that before this year planters experienced any material difficulty in getting ryots to sow in indigo the quantity of land required of them, for which cash advances were actually taken, whether such requisition was supported by a contract, as the planter would generally hold, or was the mere command of the planter, as the ryot would often hold. There are no longer now complaints that ryots take advances for indigo from one planter and sell the produce to another; nor is it the staple of the complaints made before this year, that the ryots took advances for indigo, and cultivated on their own account something else instead. There are general charges that ryots are of a fraudulent and evasive disposition, but I have seen in the whole evidence no specific charge of the above nature, in a single instance, before this year.

64. There are, however, on the part of the planters, loud complaints of the carelessness of the ryot, after taking advances, in regard to his indigo crop; of his inattention to it; and of his indifference to whether it is eaten down by cattle, or choked up by weeds, or goes into the planter's vat, notwithstanding the daily urging of the planter's servants. I cannot doubt that this is a true complaint.

65. And there are complaints that ryots sometimes cannot be got to engage for indigo because of the machinations of third parties. But of this I find no proof; and I see no reason to think the complaint well founded, because no motive needs to be looked for, when a ryot refuses, beyond his own self-interest. I find no other complaints on the part of the planters.

Ryots' complaints.

66. On the part of the ryots, the complaints are, that by oppression, and acts of unlawful violence in themselves very harassing, they are compelled to engage to cultivate indigo, or to cultivate it without engagement, for the planter, at a nominal price, which even if fully paid would be ruinously unprofitable. The fact of frequent acts of unlawful violence and oppression is fully proved; and the

motive

motive is manifest; also the extreme inadequacy of the price paid by the planter, and the unwillingness with which indigo is cultivated by the ryot, are fully proved.

67. Also the ryots complain that the deductions from the nominal price are so heavy, the unfairness of weighing so great, the extortions of the factory omlah so excessive, that the nominal price dwindles to little or nothing, so that if they realise from the whole produce of their indigo land, in cash, what pays the rent of the land, they are lucky; wherefore, they lose the whole value of that land to themselves, besides all the cost of cultivating it for the planter. And this appears to me, from a careful examination of the evidence, to be about the true state of the case, as a question of profit and loss to the ryot.

68. It is also made matter of complaint, though I think more by the friends of the ryot than by the ryots themselves, that the ryot is constrained to cultivate indigo by reason of the debt claimed from him by the factory, on account of the balance of account being against nine ryots out of ten always.

69. On the part of the magistrate, it is fully proved that the peace of the country is constantly broken by disputes about indigo, to so great an extent as to be a discredit to our administration. Breaches of the peace.

70. Complaints relating to the events of this year being quite exceptional, and having been exceptionally met by temporary legislation, need not be now regarded. Complaints in this year exceptional.
The ryots, in certain districts, after the season of advances had passed, and after the mass had taken advances, showed a disposition to refuse in mass to cultivate. But now, their refusal to contract new engagements, or to take advances on the old terms, or on any terms yet offered, cannot be made, in form, matter of reasonable complaint by any one; although doubtless it is this legitimate refusal on the ryot's part that constitutes the present difficulty of the planter. It is quite natural that those who are under the pressure of this difficulty should decry any course which will not get them over it. But as the ryot is not a slave, and cannot be made a slave; and as his right in his own land is indefeasible, however much every one must sympathise with the planter, suddenly involved in this difficulty, every disinterested person must see that the ryot must be left in practice, as he is left now by law, free to do what he thinks best with his own land.

71. Now, looking at all these complaints, I do not see one that requires special legislation, in favour of one side or of the other. The law is now perfectly equal and fair for both; and that is what it ought to be. I see nothing wrong that would not be remedied by adequate executive action, whereby the protection of the law should, in matter of fact, be properly and equally extended to both parties, which practically, until now, it has not been. It is not the law, neither is it the administration of the law, that is responsible for the complaint of the planters above admitted. When a man is hopelessly in debt to a factory; when such a price is given for the produce of his land as does not at the most pay him more than the rent of it, and often not so much; and when, generally speaking, the whole of the trifle of cash he ever touches at all is given him in the form of an advance, with what degree of reason can it be expected that he will bestow his labour upon that produce with the same interest as he bestows it upon produce the real profit and loss upon which is his own? Special legislation not required to meet those evils.

72. If this subject of complaint can be removed at all, it can only be removed by the adoption by the planter of a sound system of traffic for the plant; that is to say, by paying for it a price which will afford the ryot as good a return as another crop would afford him, and by not paying the whole of that price in the way of advance. This would engage the ryot by his own self-interest, to bestow as much care upon the crop as he now bestows on his rice and other crops, the profit of which is his. If, at the present price of the dye, the manufacturer cannot afford to give such a price for the plant, there really is nothing for it but to abandon the attempt to force indigo upon land of the quality in question. To continue the attempt in that case is to waste the resources of the country, and to fight against nature; a battle the issue of which, notwithstanding any number of special and one-sided laws, in the end is never doubtful.

73. I perceive that the British Indian Association have come to the conclusion, from the evidence taken by the Commission, that indigo cannot be profitably cultivated

* Report, Appendix, No. 4.

cultivated in the neighbouring districts, because it is shown that the value of the manufactured dye made from the average produce of a beegah, does not exceed 10 rupees; whilst the value of the raw produce in other crops would be about as much. This is a practical question. Early rice is the crop with which indigo can be most fairly compared. The average value of a beegah of early rice in Nuddea is stated to be eight rupees ten annas.* In Jessore the average is taken much higher, viz., 14 rupees. But having reference to the oral evidence on the same subject, I take the average above given for Nuddea to be a very fair average, at present prices. I believe the mere manufacturing charges for two seers, or 10 rupees' worth, of indigo are taken at one rupee eight annas, so that this calculation would leave less than nothing for all the general charges of the factory. But I do not think it follows that the present average produce, which is less than 10 bundles of indigo, would not be materially increased if the crop were grown by a cultivator who had some real interest in the outturn. This question, however, if it is to be solved, must be left to nature, and to the skill of the persons interested. Laws can do nothing in such a matter, but leave the trade free.

74. As to the complaints of the ryots, it is obvious that the practical and effectual protection of the law for person, property, and rights, with absolute freedom of trade, is all that is required to remove the grounds of them. And the same may be said of the magistrate's complaint, which is the consequence only of the inadequate protection he has been able, until lately, practically to afford to the people.

† Report, para. 175.

75. The complaint on the ground of the hold given by the debt of the ryot to the factory, remains. These debts, in the mass, are admitted to be bad debts. They are bought with a factory, as giving a hold upon the ryots, with no reference to their nominal amount. But wherever a ryot really does owe money to a planter, he ought to pay it, and he ought to be made to pay it. If the planter's claim is good, he will certainly get a decree in the civil courts; and as the ryot has been shown by events this year in Nuddea and Jessore to be generally solvent,† the planter will thereby obtain full payment. There is only one conceivable reason that can keep a planter from so claiming a real debt, which is, that he will thereby get payment in money of standard value, and not in indigo plant at his own price, which seems to be not one-third of its cost. But all that justice requires is payment in cash.

A small section only of the trade asks for any special law.

76. On the whole, I conclude that all reasonable ground for any special legislation, or special executive action, in connexion with indigo in Bengal Proper, is knocked away by the inquiry of the Commission. The production of Bengal Proper, we have seen, is 40,763 maunds of this dye; the production of Madras is 34,000 maunds. There is no special law for indigo in Madras. Yet the official papers, a copy of which, for facility of reference, is appended to this Minute, show that there are no complaints or difficulties in the business there. The ryots "have no dislike to its culture;" "contracts for the supply of the plant are readily and voluntarily entered into, its cultivation being profitable;" "indigo contracts are not found to be productive of more litigation, disputes, or disturbances, than contracts of any other description;" differences about indigo "are adjusted, like other ordinary disputes without recourse to measures ‡ unsanctioned by the laws." Why should Bengal require a special law, when the general law works so well in Madras? So the North Western Provinces produce 21,643 maunds of indigo without complaint or disturbance, and also with no special law. Behar, under the very same local Government, and the very same law as Bengal Proper, produces 32,699 maunds of indigo, with no demand for a special law in favour of any party.

Honorary magistrates.

77. My conclusion therefore is, that whereas in the great majority of cases special legislation is bad, and in all cases one-sided legislation is bad, in this indigo matter any such legislation would be quite indefensible, because devoid of even plausible grounds in fact.

78. The first suggestion of a change discussed in the report, is the vesting of indigo planters with magisterial powers, as honorary magistrates. In a paper which

‡ I may observe, that the Madras Board of Revenue make the common mistake of supposing that the Bengal zemindary tenure affects the legal position of the ryot. A Madras ryot is not a zemindar, there being there no recipient of the ryot's jumma between the ryot and Government. In Bengal there is, but the ryot's legal position, if he has a right of occupancy, is the same in both Presidencies.

which is already before his Excellency the Governor General in Council, I have recorded my opinion on the general subject of honorary magistrates.* I object to any honorary magistrate having anything to do with the police; and I object to any magistrate, honorary or stipendiary, trying cases judicially in which he is directly or indirectly interested, or which from private reasons he cannot try without risk of private injury to himself. But under the above conditions, which I consider to be of universal application, I approve of the system of honorary magistrates. Wherever the indigo system is sound, I would make no distinction between indigo planting and any other business, in this respect. Therefore, though I go a part of the way, I do not go the whole way with the Commission on this point.

79. The next point is the multiplication of sub-divisions. This subject, on which I quite agree with the Commission, has already had my best attention. The Nuddea division, in which the chief indigo districts are, has been, I believe, most satisfactorily arranged into sub-divisions;† and the other divisions will be taken up one by one in the same way. Multiplication of sub-divisions.

80. The next point is the reform of the police. The police has somewhat improved, and I believe is improving, though slowly. If the Madras system can be applied to Bengal, it will be applied; and whatever can be done to improve the police will be done. The subject is too large to enter upon here in detail. Police.

81. The next point is the improvement of the civil courts. The new civil code, as was to have been expected from the remarkable qualifications for such a work which the learned and experienced gentlemen who prepared it possess, is admirable, and is working excellently well. All the complaints of the action of the civil courts are made in reference only to the code which has just been superseded. I do not believe that more can be done in this direction than to take care that there are courts enough to be free from arrears. So far as the India districts are concerned the courts, both of First Instance and of Appeal, have been specially strengthened, with this object, by additional moonsiffs and an additional civil and sessions judge, expressly for indigo cases. Of cases connected with indigo, I believe there are no arrears. Civil courts.

82. A practical improvement has just been introduced, at my suggestion, with the concurrence of the Sudder, whereby all causes of the nature of Small Cause Court causes, such as indigo contract cases are, are kept upon a separate file, and will be disposed of by the Courts of First Instance as rapidly as though such courts were special Small Cause Courts. And the Sudder have made corresponding provision for appeals from decisions in such causes.

83. I do not follow the Commission in their remarks on Act X. of 1859; not because I do not feel their value, or intend to give them the fullest attention; but because I do not consider that the subject is connected with that of this Minute, so closely as to require discussion here, in a paper which is already much too long. Act X. of 1859.

84. Two members of the Commission, in a separate Minute, recommend the enactment of a law rendering breach of an indigo contract, on the part of a ryot, a criminal act, punishable by the magistrate. The majority of the Commission strongly object to any such law, and I fully concur in their objection, for the reasons they assign. No one-sided legislation is ever justifiable, and I believe such legislation in the end generally injures the interest it is meant to favour. An indigo contract differs in no respect from any other sort of contract for the delivery of goods. To subject either one of the two parties in such a contract to be treated as a criminal, for what is acknowledged by the general law not to be a crime, seems to me quite indefensible. All the arguments above urged against any special legislation for indigo business at all, apply with peculiar force against special penal legislation, in a sense contrary to all the received principles of distinction between civil and criminal law. In 1810, in 1832, and in 1835, Proposal to make breach of a civil contract, in a ryot, a criminal offence.
in

* In a Minute dated the 3d November last, submitted with letter to the Secretary to the Government of India, Home Department, No. 6014, dated 7th idem.

† See above. The arrangement is explained in detail in a resolution of the Bengal Government, dated the 7th November 1860, submitted to the Government of India with letter No. 6045, dated 12th idem.

in India, and at home, the highest authorities have concurred in rejecting such a law.

85. Indeed a proposition for such a law seems to me to follow strangely upon the result of the Commission's inquiry. The whole Bengal indigo system has been upon its trial; and though only four out of five Commissioners have signed the report, I do not understand that the fifth Commissioner, who represented the planters, differs from his colleagues substantially in regard to the findings on matters of fact; and he has signed, with another member, a separate paper which, in my judgment, is as conclusive against the system as the body of the report itself is. The result is, that the ryot is found guilty of nothing; and that his complaints are in the main fully established. It would be natural, upon such a finding, to discuss some project of a special law of protection in his favour; but to follow up a verdict in favour of a successful complainant by a sentence of subjection to a special penal law, making him criminally liable for what no other person is criminally liable, does seem to me to be somewhat hard upon him.

86. I agree with the majority in thinking that, in the interest of the planter, such one-sided legislation would be unwise. The planter's present difficulty is to get ryots to agree to cultivate indigo, and he must succeed in that before he can talk of punishing them for not cultivating. If the object were to make indigo cultivation still more unpopular than it is, to stigmatise it by making those who undertake it liable to be treated as criminals might be a wise measure; but as the object is the contrary, I cannot think it would be a wise measure.

Proposal to appoint special indigo district officers.

87. The same two members recommend the appointment of one or more special officers in each of the principal indigo districts, to exercise civil and criminal judicial powers and fiscal powers, in indigo matters exclusively, subordinate to the regular, civil, criminal and fiscal officers of the district. I do not see how such a scheme is practicable; and if practicable, it would be a very great change for the worse. There are no fiscal duties connected with indigo, and in many criminal cases it will be doubtful, and in others it will not be ascertainable till the case is concluded, whether indigo was or was not at the bottom of it. Then I do not see how one man can have the management of the police at any one place, in matters connected with indigo, and another man have the management of the same police at the same place in other matters. When there is a breach of the peace, the first thing to do is to put an end to the disturbance; but on this system, it would have to be ascertained what the first cause of the disturbance was before it could be known which of two men should take the affair in hand. Again, the inconvenience to the public would be extreme. There are now eight moonsiffs in the Nuddea district, and five magisterial courts; and in Jessore there are now 10 moonsiffs, and six magisterial courts. In all indigo cases, this scheme would substitute for those 13 or 16 authorities, scattered equally over the district, one or two authorities in each district who would be 50 miles away from the majority of suitors. The harassment to suitors and witnesses would be intolerable. And to set against so much that is disadvantageous, I can see absolutely nothing in the shape of an advantage, for the one or two special indigo officers would in no way be better than one or two of the regular district officers. Moreover, all special courts for particular classes of cases, from English Star Chambers to Indian Resumption Courts, become always hateful, and generally deservedly so.

88. Surely the object is, with a limited number of officers available in a district of nearly a million of inhabitants, to make the most of them by spreading them equally over the whole surface. The supporters of the scheme most justly say, that "The necessity of a reference on the spot is one of the few points on which both parties agree." But this is the very reason why I object to passing over the sub-divisional officer and moonsiff on the spot, or at most 12½ miles off, in order to go to a special officer 50 miles off. If I am to be allowed one, two, or more additional officers in a district, I hope that they may be so used, by multiplying sub-divisions, as to bring justice and protection nearer home to the people, and not so used, by neutralising even existing sub-divisions, as to send justice and protection, in one of the most important classes of cases, very much further away from home than they now are.

Proposal to appoint a Special

89. The same two Commissioners also recommend the appointment of a Special

cial Indigo Commissioner, to travel about, to allay excitement, and to mediate between planter and ryot. I am quite of opinion that good is to be done in this way; but I do not think that any officer is in so good a position to do what good can be done, as the regular Commissioners of Divisions, who must know more about the affairs of their divisions than any new officer could know for a long time. The attention of the Divisional Commissioners being given to the people of their divisions, in all their relations with business of every sort, and not being narrowed to one peculiar relation, seems to me an advantage. They are all picked men, of the class from which any Special Commissioner would be taken. After all, any extra-official action, as I may call it, must stop at a certain point. No Government officer could take it upon himself to dictate to a planter the price which he can afford to offer for plant, or to dictate to a ryot the price at which it will be for his pecuniary interest to grow the plant. The two parties interested must be left to settle that themselves. All that a disinterested person, official or unofficial, could do, is to allay irritation, and to endeavour to make both act reasonably, temperately, and fairly. The Commissioner of the Division, who has all the district executive officers under him, and who has not judicial functions, civil or criminal, seems to me the official person most likely to meet with success in this work of mediation. I have already issued such instructions to the Divisional Commissioners as will have the required effect, as far as these officers are capable of producing it. The Commissioners of Nuddea and Rajshahye are now on tour, with this special object, amongst others, in view. Nothing, however, can be done unless the planter will recognise the legal and actual position of the ryot; and unless, even where the law is on his side, he will act upon the advice of the planters' most able and judicious representative in the Commission, by making such reasonable and equitable concessions as will avoid a contest "that must seriously damage the interests of the planters." It should be seen, that to attempt to conduct commercial transactions profitably, in the midst of a hostile and intensely exasperated population, is mere foolishness, when the law is also against one, and is a very hopeless adventure even when it is on one's side. I trust, therefore, that the Committee of the Indigo Planters' Association will support this good advice with all their influence.

90. The majority of the Commission are opposed to both the recommendations last discussed, and I agree in their arguments.

91. The last point is the enactment of a law for the registration of indigo contracts, in such a special manner as to remove all doubt of the reality of the engagement; which, however, should not make unregistered contracts invalid. The minority of the Commission propose such a law, but the majority do not recommend it. I have submitted to the Governor General in Council my opinion on this point.* I think the information before us shows the necessity of going the length of invalidating all contracts for the delivery of agricultural produce not registered in accordance with a special registration law such as is above described. The practices of charging the ryot for a stamp without using any stamped paper at all, and of taking the marks and signatures of ryots to blank papers, seem to me to require the check of registration, and more especially, the frightful length to which late reports from Mr. Bell and Mr. Herschel,† corroborated by the result of the Nuddea cases, show that factory omlah are ready to go in forgery and perjury, proves to me the necessity of protecting the ryot by a thoroughly good system of registration. It is to these factory omlah that the whole work of taking engagements in writing is avowedly left. It is necessary, in my opinion, that the registration should be so conducted, that the identity of the person signing the engagement with the person named in the document should be ascertained, and capable of being proved at any time; and that the fact that both parties fully understand all the conditions of the deed should be ascertained, and recorded by a disinterested officer. The great length of some forms of bond adopted, and the general illiterate character of the poorer of the two parties, make this last provision, in my opinion, very desirable. From such a system of registration

* In a minute dated the 6th October last, submitted to the Government of India with letter No. 5304, of the same date.

† *Vide* Appendix to the Minute dated the 23d November last, on the second memorial of the Indigo Planters' Association, submitted with letter No. 6303, dated the 24th idem.

tration both parties will derive great advantage, and much unsatisfactory litigation will be prevented.

Minor points in minute of Messrs. Temple and Fergusson.

Prosecution of British subjects.

A general disarming.

Responsibility of prime movers in affrays.

Mr. Fergusson's minute.

92. The separate minute, signed by Mr. Temple and Mr. Fergusson, treats of some points not noticed in the report. These two gentlemen remark that district magistrates have ample power to investigate and prosecute British subjects in the Mofussil, and that they ought to exercise that power. This is true, though the trial (except in cases of simple assault punishable by a fine of 500 rupees), under the present law, can only be at the Presidency. In grave cases, I trust that this duty is never neglected. But the expense both to the public and to private persons of a prosecution at the Presidency, for an offence committed at a distance, is very heavy; and the inconvenience and loss to prosecutors and witnesses are so great, that such prosecutions are a misfortune to the neighbourhood, in which the person injured is the most certain sufferer. It is not in the nature of things that these considerations should not operate, to a certain extent, as an exemption from amenability to all criminal law in minor matters. These two same members recommend the general disarming of all natives in Bengal, but without taking away clubs. The long, heavy, iron-bound club in use is a formidable lethal weapon; and a disarming in Bengal, which should not touch the most common lethal weapon used in affrays, would be operative, I fear, only for harm; it would disarm the peaceable man, and allow the professional bravo of the country to carry his own peculiar arms. I would rather reverse the operation. I do not see in the evidence anything to show that the mass of the people in Bengal, a quiet and well-behaved race, should be disarmed. I should like to see them much more ready and more stout in self-defence than they are; but I would disarm and punish the hired clubmen, and I would punish all who employ them, without exception of classes. I trust that a provision in the penal code introduced by the Bengal Member of the Legislative Council, in consequence of a suggestion from me, will have the effect of enabling the magistrate to cut off the root of affrays, by imposing some responsibility on those in whose interest they are committed, as recommended by those two members of the Commission.

93. The body of the report is signed by four members. The fifth, Mr. Fergusson, the able representative of the planting interest in the commission, has not signed it, and has put in a separate minute, explaining his reasons. I understand that his dissent, in the main, is to the tone of the report, which in his opinion leads to the inference that planters, as a body, are lawless. The inference I myself draw from the report is, that the planters, as a body, and naturally, are like any other class of our fellow-countrymen, but that being within the meshes of a false system, in all that concerns that system, they cannot but act as the system constrains them. Like all such bodies, they comprise men of all temperaments, but it is and has ever been my conviction, that there are in this body many as good men as any in India, and I see nothing in the report to the contrary. Mr. Fergusson objects to certain views in the report, as tending to disturb the acknowledged principles of the permanent settlement, and to give ryots notions of their rights incompatible with that contract between Government and the zemindar. I conceive that there is here some of that misapprehension of the nature of the permanent settlement which is very common. That measure in no respect differs from any other Indian revenue settlement, except in being permanent, instead of for a term of years; it is only a settlement of the Government demand of revenue; it in no way touches any rights, interests, or tenures of land, all which it leaves as it found them. It is truly described as a contract between Government and the zemindar; and therefore necessarily it could not affect third parties, whose rights, titles, and interests, indeed, it acknowledges specially, and excepts in terms. Mr. Fergusson freely admits that the recent crisis must sooner or later have occurred, because planters did not raise their prices as other prices rose. He comes thus, I think, in effect, to the same practical conclusion that the majority of the commission, and I myself come to, namely, that the root of the whole question is the struggle to make ryots grow indigo plant, without paying them the price of it.

Conclusion.

94. My high opinion of the manner in which the commission have conducted their inquiries, and reported to Government their conclusions, upon this extensive and long controverted subject, has been expressed to the gentlemen who composed it, in a separate letter. At a moment of passionate excitement, the careful

careful impartiality with which they conducted their inquiries was admitted on all sides. And though every one will form his own judgment as to their conclusions and recommendations, the cautious, temperate, and kindly manner in which they have framed their report, will, I am sure, be cordially acknowledged by every one.

(signed) *J. P. Grant.*

17 December 1860.

Appendix A.

MEMORANDUM on the Evidence regarding the Unprofitableness of Indigo, to the Ryot, at the Price paid.

It is shown that the fairest comparison of the return from spring-sown indigo with that from other crops, is the comparison made with early rice, both of these crops being sown in spring, and cut in the rains.

Appendix No. 4 gives the value of the average return from an acre of land, in a large number of districts, of several crops, and amongst others of early rice. The average return from early rice in Dudda (Kishmaghar) generally is stated at Rs. 8. 10. At Culna, on the border of Nuddea, and at Santipore in Nuddea, it is stated at 11 rupees; at Chagdah in Nuddea at 9 rupees; and at Ranaghat in Nuddea at Rs. 7. 2. The averages given in the neighbouring districts, namely, in Jessore (where it is so high as 14 rupees), Moorshedabad, Hooghly, and Baraset, are all higher than that given to Nuddea. Mr. Sawers, an indigo planter, states that seven and a half maunds of rice, meaning evidently early rice, is a high yield, the value of which formerly, with the straw, would have been 9 rupees, but at present prices it is 17 rupees. On the whole, I think that Rs. 8. 10. must be considered a low average return from early rice.

All the evidence goes to show that nine bundles of indigo (from eight to ten) is about the average return. Appendix No. 1 shows that the most common price given for indigo is one rupee for six bundles, the highest price ever given being one rupee for four bundles, and prices as low as one rupee for seven, eight, and even in two cases ten bundles being given. I make out the general average to be about five and three quarter bundles for the rupee. At this rate the average return will be less than Rs. 1. 9.; so that the difference between this return and that from early rice, being the net loss of the ryot upon indigo, comes out at Rs. 7. 1.

There seems no difference in the cost of cultivation to take into consideration. But against indigo has to be set the cost of a stamp, charged to the ryot, whether used or not, and often the cost of cartage, or a part of it. Also the fees of the factory Omlah, of indefinite amount, which I observe one planter, Mr. Sage, thinks do not exceed one-fourth part of the amount credited to the ryot.

The above seems to me the simplest and most certain method of calculating the loss on indigo.

Sometimes indigo stumps are left in the ground, which produce seed. The seed is taken by the factory at a fixed price, about a quarter of its present market price, or less; but even so it may yield an additional two rupees or four rupees to the ryot. This, however, does not affect the calculation, because in this case the ryot cannot have a cold weather crop, the value of which must be set against the seed.

Spring-sown indigo is the most important for present purposes, as October plant is usually sown on low land, inundated early, on which the pressure of indigo cultivation does not appear to be nearly so severe as on good high land. It appears to be a universal rule, that the severest loss from indigo is from land fit to raise the most valuable crops, which, as might have been expected, is naturally unsuited to so coarse and low-priced a crop as indigo plant.

Mr. Eden makes a comparison between indigo and tobacco, on land fit for tobacco, which is the best sort of land in Bengal, and pays three times the average rent. He gives the cost of the cultivation of this land at Rs. 13. 6., and the produce at twenty bundles (a fair estimate for the produce of tobacco land), which at a price of five for a rupee are worth but 4 rupees, showing a net loss of Rs. 9. 6. Mr. Eden has omitted fees and stamps from his cost; but I imagine, nevertheless, it is above the mark for plough cultivation, even of a high sort. For tobacco he gives the cost of cultivation at 24 rupees, and the produce at 35 rupees, showing a net profit of 11 rupees. Adding the net profit on the one to the net loss on the other, he deduces an absolute loss on indigo of Rs. 20. 6. But I do not think this a fair calculation; because indigo is not grown on tobacco land instead of tobacco, but in rotation after it. The comparison, therefore, should have been made, not with the produce of tobacco, but with that of the most paying crop which ought in good husbandry to be grown after it. Even so I think there can be no doubt that an absolute loss from indigo upon tobacco land, at a price of a rupee for five bundles, would be fairly deduced, greatly exceeding the loss of 7 rupees a beegah, assumed on land of ordinary quality. A gross return of 4 rupees a beegah,

beegah, from the finest land in Bengal, would be an absurd return to assume under a system of free agriculture, as it would not pay the cost of cultivation.

Mr. Larmour, the able manager of the Bengal Indigo Company, gives the expense of cultivating a beegah of *nij* land, reckoning the full price of seed, but of course without charging for stamps, or Omlah's fees, at Rs. 6. 14. 6. a beegah, by kodalee cultivation; and the produce at 24 bundles, upon land of high quality. In inferior land he states the expense at one-third less, and the produce at ten bundles. At the price he gives for indigo, viz., one rupee for six bundles, the value of this would be 4 rupees, which to a ryot would be a dead loss of Rs. 2. 14. 6. by the planter's own account. In this calculation only Rs. 1. 4. is charged for rent, but the usual rent of tobacco land is 3 rupees. To this loss must be added the loss of the profit that the cultivator would have made by another crop.

Taking the cost of Mr. Larmour's *nij* cultivation roughly at 7 rupees, and the selling price of the dye manufactured from the produce at 24 rupees (which is about the mark when indigo sells at 200 rupees a maund), there remains a sum of 14 rupees, from which, if all the general and manufacturing charges are deducted, the remainder will be the profit and interest upon capital divisible in fair proportion between both cultivation and manufacture. I find no evidence as to what this deduction should be. But from what I can learn, I am inclined to believe that those charges must be taken on four seers of dye at from 6 to 7 rupees, leaving at the lower estimate only 8 rupees to be divided between the cultivator, as such, and the manufacturer, as such, for interest upon capital and profit. This estimate may not be very near the truth, though it can hardly be very far from it; but however that may be, it is plain that twice the price now paid would not nearly remunerate the cultivator, as such, though it would much reduce the manufacturer's profit. It is very far from clear that putting cultivation and manufacture together, an ordinary crop would not, on such land as this, pay better than indigo at present prices. In my view there is nothing in this calculation to invalidate, and much to corroborate, the result above arrived at, as to the amount of average loss to the ryot being 7 rupees a beegah.

The calculations of Joy Chand Pal Chowdry, a zemindar and indigo planter, do not materially differ. He puts the ryot's cost of cultivating tobacco land for indigo at Rs. 5. 6. 6. a beegah, and the produce at 16 bundles; the quality of land assumed being probably not so good as Mr. Larmour's, and its degree of cultivation being less.

The same gentleman, as well as Mr. Rose, a planter, and others, admit that a rupee a bundle on some land would not compensate the ryot. As a bundle only makes a rupee's worth of dye, this evidence throws light upon the above calculation; for it makes it manifest that on some land it would be a great waste of money in any one, being both cultivator and manufacturer, to raise indigo. It follows, that for the produce of some ryot's land, if he is forced to cultivate it with indigo, not only does the ryot not receive a fair price, but the manufacturer could not afford him a fair price. Whenever, by the force of circumstances, such land is cultivated with indigo, at the present prices of agricultural produce, and of the dye, the country loses by this unnatural application of capital at least an amount equal to all the manufacturer's charges.

Mr. Morell calculates the net profit on rice at Rs. 3. 10. 4½ a beegah. This is in the Eastern Soonderbuns, where rice is very cheap. Mr. Sawers, a planter, gives the profit on rice in Western Bengal at Rs. 3. 2. formerly, and at Rs. 10. 10. now. All the evidence supports the statement of Shumboo Nath Mookerjee, zemindar and indigo planter, that the dead loss to the ryot from cultivating indigo is the value of the labour of man and beast upon the land. This may be taken at between 3 and 4 rupees, and the net profit from rice may be taken in Western Bengal, at present, at between the same two rates. This corroborates the first calculation made, which gave 7 rupees as the absolute loss on average land from cultivating indigo at the price now paid for it.

OFFICIAL PAPERS published in the Supplement to the Calcutta Gazette, dated
6 October 1860.

On the Cultivation of Indigo in the Madras Presidency.

From *J. D. Bourdillon*, Esq., Secretary to the Government of Fort St. George,
to *W. S. Seton-Karr*, Esq., President of the Indigo Commission, Calcutta,
dated Revenue Department, Fort St. George, 20 September 1860.

Sir,

I AM directed by the Honourable the Governor in Council to acknowledge the receipt of your letter of the 27th June last, and to forward in reply copy of one from the Board* of Revenue, and of its enclosures, furnishing information on certain points connected with the cultivation of indigo in this Presidency.

* Dated 12th September 1860.

From *J. D. Sim, Esq.*, Secretary to the Board of Revenue, to *J. D. Bourdillon, Esq.*, Secretary to Government, Revenue Department, dated Madras, 12 September 1860.

Sir,

With reference to the order of Government, dated 11th July last, No. 1151, Revenue Department, I am directed by the Board of Revenue to submit reports (as per margin), from the collectors of the five districts in which indigo is most extensively cultivated, furnishing the information required by the President of the Indigo Commission at Calcutta.

From Cuddapah, dated 25th July 1860.
 „ South Arcot, dated 2d August 1860.
 „ Nellore, dated 22d August 1860.
 „ Salem, dated 29th August 1860.
 „ North Arcot, dated 4th Sept. 1860.

2. In this Presidency indigo is almost entirely grown by the ryots who have no dislike to its culture. The manufacture of the dye is also very largely conducted by the natives on their own account.

3. Contracts for the supply of the plant are readily and voluntarily entered into, its cultivation being profitable and the contract securing to the producer a certain market, as well as the convenience of an advance. Where the demand for the plant is sure, the ryots cultivate it extensively without contracts or advances. Many manufacture their own produce, and all are at full liberty to consult their own interests in making or abstaining from engagements for its sale when ready for delivery, and in settling the terms of such arrangements. The “ryots” of this Presidency are themselves the “zemindars,” the ryotwaree tenure giving them absolute right to their lands in perpetuity, subject only to the condition of paying the fixed Government assessment; they are consequently free to raise what crops they please, and are fully aware of their rights, as well as able and ready to assert them. Indigo contracts are not found to be productive of more litigation, disputes, or disturbances, than contracts of any other description.

4. It is impossible to state what proportion of the cultivation and manufacture is carried on without European superintendence, or what advances are made to the producer by Europeans.

5. The Board are not aware of any printed reports on the growth, &c., of indigo in this Presidency, and their records supply no information of any importance on the points under the consideration of the Bengal Commission. Nothing has occurred to raise discussion; the rights of the people are known and upheld; their engagements with European manufacturers are voluntary, and differences are adjusted, like other ordinary disputes, without recourse to measures unsanctioned by laws. Transactions in indigo are in fact not distinguished by any peculiar characteristics whatever, nor is there any antagonism of feeling between the European merchant and the native producer.

| | | | |
|---------|---|---|----------------|
| 1850-51 | - | - | 21,97,714 lbs. |
| 1851-52 | - | - | 17,18,931 „ |
| 1852-53 | - | - | 29,68,493 „ |
| 1853-54 | - | - | 23,20,427 „ |
| 1854-55 | - | - | 14,07,785 „ |
| 1855-56 | - | - | 28,99,627 „ |
| 1856-57 | - | - | 28,46,838 „ |
| 1857-58 | - | - | 20,88,682 „ |
| 1858-59 | - | - | 19,84,773 „ |
| 1859-60 | - | - | 25,31,726 „ |

6. The exports of indigo during the last 10 years are given in the margin.

From *A. Wedderburn, Esq.*, Officiating Collector of Cuddapah, dated Cuddapah, 25 July 1860.

I HAVE the honour to reply to the Government Order, No. 1151 of 11th July 1860, on the Proceedings Board of Revenue, in reference to the three points on which information is required by the Indigo Commission.

1. Indigo is not chiefly grown in this district by Europeans on lands held by them in direct connexion with their factories, or cultivated either with their own or hired stock. It is grown by ryots on contract, to deliver so much indigo plant at the factory at a fixed rate per bundle.

2. The agents of the Madras firms wisely avoid occupying the same talooks; so that there is no system of forcing the cultivation upon the ryots, who are much too independent to submit to such a process. It is quite free; no complaints have been made; on the contrary, the system of advances to the pauper tenantry of this district, has done a great deal to improve their condition, as well as facilitated the collection of the revenue.

3. The cultivation of indigo is not fixed; it extends or contracts with the demand for the article. It has, however, been steadily increasing of late years; many of the richer ryots cultivate it and manufacture it on their own account. Native capitalists also engage in the trade.

4. I estimate the cultivation and manufacture of indigo by natives, without European superintendence, in the ratio of 10 to 1 of that produced under European management.

5. It would be difficult to state precisely the amount of advances made by Europeans to producers, without trespassing on the private concerns of commercial firms. However I may state that eight lakhs of rupees were drawn by bills last year on the Cuddapah treasury by Madras houses. The amount of money obtainable from this treasury is now more circumscribed than formerly, as large drafts are now made on account of expenditure on the railway works in this district.

6. I consider that eight lakhs scarcely represent one-half of the sum paid for indigo, the out-turn of which on 36,000 acres, cultivated last year, at an average profit of rupees 50 per acre, will show a value of 18 lakhs of rupees.

From *H. Wood*, Esq., Collector of South Arcot (dated Cuddalore,
2 August 1860.)

I HAVE the honour to acknowledge the receipt of Board's proceedings, under date 12th ultimo, giving cover to the proceedings of Government of the 11th idem, requesting information as to the culture of indigo in this district.

2. This plant has been cultivated here by the natives ever since the commencement of the century; at first it was used in a rude state as a dye for local purposes. When it became prized in the European market, however, a large number of factories were built in the district, and carried on under European superintendence for some years.

3. The natives themselves, about the year 1830, discovering that the process was a simple one, built factories for themselves, and soon were enabled to beat the Europeans out of the market, there being now not a single factory in the district of those formerly established under European superintendence, and the only factory, not under native superintendence, being that of Messrs Parry & Co., at Trivananalore.

4. The Europeans never did cultivate the indigo themselves, but bought it from the natives through their native broker, who occasionally gave advances to them, but no regular contracts were entered into, and this seems to be the course now adopted by Messrs. Parry & Co.

5. It frequently happens, however, that the grower of the indigo is both the manufacturer and the shipper, if he is a man of substance, though a large part of the business of the native merchants of the place is in this article.

From *J. W. B. Dykes*, Esq., Collector of Nellore, dated Nellore, Collector's Office, the 22d August 1860.

WITH reference to your proceedings dated the 12th July last, communicating the order of the Madras Government of the 11th idem, and requesting information on the first three heads of paragraph 3 of those proceedings, bearing on the subject of the cultivation and manufacture of indigo, I have the honour to reply to them *seriatim*.

2. In answer to the first point, whether the cultivation of Indigo is directly carried on by Europeans on lands held by them in direct connection with their factories, or by natives who contract with the Europeans and deliver the indigo plant

plant at so much per weight or bundle, I beg to state that the plant is grown throughout the district entirely by natives, by the ryots who contract to deliver the plant at so many bundles per rupee.

3. With regard to the second point, whether the contracts are willingly entered into, or whether the cultivation of the plant interferes with the other occupations of the ryots and produces disturbances, I may, I think, state with perfect and entire confidence, that, as a general rule, the contracts are entered into willingly and readily, and the cultivation is not productive of disturbances of any sort. The ryots of a portion of the district (the Nellore, Kaligiri, Pámúru and Náyudupéta Divisions), not only enter into the cultivation freely, but give a decided preference to dealings with Europeans. The ryots of the other parts of the district, on the other hand, give a preference, apparently, to their own countrymen, for which two causes might be assigned, first, the native merchants give advances when the ryots stand in need of them, and take the plant when ready; they thus bring many within their operations who would not otherwise be so engaged; and secondly, when the ryots fail in their contracts, they resort to legal process only as the last expedient, whilst Europeans, on the other hand, grant advances and, recover more after the regular course of trade. But in reality, much is undoubtedly to be ascribed in this respect to the relative circumstances of the different portions of the district. Where there are wealthy natives, there the trade is more likely to be in their hands. Where this class is wanting, a wider field is opened to Europeans.

4. With regard to the third question, I am unable to give any precise information. The cultivation and manufacture of indigo are carried on to a very great extent in this district without any European superintendence whatsoever. But what proportion such indigo bears to the indigo raised and manufactured under the direct superintendence of Europeans, there are no accounts to show, any more than to what extent advances have been made on the latter.

From *H. A. Brett, Esq.*, Collector of Salem, dated Salem, Collector's Office, Usúr, the 29th August 1860.

With reference to the Board's proceedings, dated the 12th July last, No. 3196, communicating the order of Government, dated 11 July 1860, No. 1151, on a letter addressed by Mr. W. S. Seton-Karr, President of the Indigo Commission at Fort William, to the address of the Chief Secretary to Government, Madras; and requesting me to report on the various points referred to in Mr. Seton-Karr's letter, I have the honour to submit a reply to the several questions *seriatim*.

Answer 1.—The indigo grown in this district is not raised chiefly on lands held by Europeans. The only European in the Salem district who grows indigo on his own land is Mr. Frischer, the mirththadar of Salem. He cultivates the plant on a small extent of land belonging to himself, with his own ploughs and bullocks. Mr. Frischer deals largely in indigo. His usual plan is to make advances to the ryots, who contract with him to supply the plant at a certain price per maund, according to the quality of the crop. No native mirththadar, zemindar, or poligar, grows this plant on his own private lands, or employs the ryots to grow it. There are seven factories in this district in which indigo is manufactured. Four of these factories belong to Mr. Frischer, and the remaining three to two wealthy ryots, who follow the same system as that followed by Mr. Frischer in regard to the cultivation of the plant; that is, they cultivate indigo to some extent on their own land. They also contract with the ryots to grow it for them.

Answer 2.—I have no reason to believe that the ryots who contract to supply the plant do so at all unwillingly. The contract system has not, speaking generally, been productive of disputes, litigations, and complaints.

Answer 3.—In the three factories belonging to natives, the owners make no use of European superintendence. They sell the manufactured indigo at Madras, or elsewhere, on their own account.

Answer 4.—The Salem district is not one of those districts where the cultivation of indigo is carried on to any large extent. I am not aware that any report has been made to the Board, or the Government during the last 10 years, in any way bearing on the subject of the Commissioners' present inquiry. I submitted to the Board, under date the 8th March 1858, No. 19, a report on the extent to which indigo is cultivated in this district, but that report had no reference to the particular points on which information is now required.

Answer 5.—I have no means of stating with any degree of accuracy what quantity of indigo has been exported from this district during the last 10 years.

From *J. D. Robinson, Esq.*, Acting Collector of North Arcot, dated North Arcot, Collector's Circuit Kacheri, Palamaner, 4 September 1860.

I HAVE the honour, with reference to the proceedings of the Board of the 12th July last, No. 3196, to report on the several points upon which the Indigo Commission have called for information. In regard to the first point, I gather from the reports of my native subordinates and other sources, that European agency is not directly employed in the cultivation and manufacture of indigo in this district. Messrs. Parry & Co. of Madras, and Messrs. Hart & Simpson are the only Europeans who have factories in the district, and from some correspondence which has passed on the subject, I learn from the former firm, that their concerns are managed entirely by native agency, and that the indigo manufactured at their factories is cultivated by the ryots on their own lands, on receipt of advances made to them under agreement to deliver the leaf at a certain rate per cullum at the factory. The rates probably vary somewhat according to locality, but the tehsildar of the polur talook, in which Messrs. Parry & Co. have a factory, gives it at 10 kallams per pagoda of three and a half rupees, and Dr. Shoot in his treatise on indigo mentions that the plant is very generally sold at seven bundles per rupee, each bundle being about seven feet in girth. The plant is also freely brought to the factories for sale for ready cash by cultivators who have received no advance.

On the second point I am, from the reports before me, able to state confidently that contracts are entered into readily and gave no occasion to misunderstanding. They are not more productive of dispute and litigation than contracts in general, in which the same class of people are concerned. The cultivation has long been familiar to the people; it is profitable, popular, and adapted to the light soils used for it.

On the third point, the statistics before me show, as already stated, that the culture of the plant is exclusively in the hands of our native cultivators, and that, in the subsequent transactions connected with the sale of the raw material, there is little, if any, contract with European agency. Messrs. Parry & Co. are silent as to the amount of advances they make annually, nor can they, or others, be expected to supply this information, for very obvious reasons. From my Jumma-bundi Report however, just transmitted to the Board, you will learn that 21,017 acres of land were cultivated with the indigo plant during fusli 1269. The produce of this may be roughly estimated at about 23,000 maunds, which, at an average selling price of 30 rupees per maund, would give 690,000 rupees as the market value of this staple manufactured within these limits.

In conclusion, I would merely observe, that not only has the cultivation of indigo in this district been attended with beneficial results to the ryot and manufacturer, but it is indirectly a very profitable source of revenue to Government, inasmuch as it brings under a highly remunerative crop, light soils which could not be utilized to equally good purpose, if sown down with the usual dry grains.

— No. 5. —

(No. 3.)

To the Right Honourable Sir *Charles Wood*, Bart., G.C.B., Her Majesty's
Secretary of State for India.

Home Department, Camp Kuttra Moharee,

Sir,

29 December 1860.

1. PROBABLY by the last mail from Calcutta you will have received the minute of the Lieutenant Governor of Bengal, dated the 17th instant, on the report of the Indigo Commission; but I herewith enclose a copy of it in order that, if not already sent, it may reach you without delay.

2. In this paper the Lieutenant Governor has dealt with the subject fully and clearly. I can add nothing to the succinct history which he has given of the system of indigo cultivation in the lower provinces of Bengal, and I agree generally in his reasoning and conclusions.

I entirely agree in the opinion that the cause of the evils in that system is to be found in the fact, that under it the manufacturer has required the ryot to furnish the plant for a payment not nearly equal to the cost of the production; and I concur in the opinion, that it is to the system, much more than to the planters individually, that blame attaches.

3. As is usual when the interests of two important classes of the community are in open antagonism, and when a great evil is in process of righting itself, the Government has been blamed sometimes for not interfering enough, sometimes for interfering too much. Upon a careful retrospect, it appears to me that the only reproach to which the Government is justly open in its treatment of the two classes, planters and ryots, is that of having left the ryot too long in ignorance of the protection which he might claim against the proceedings of any planter who had bound him by unreal obligations, and who had enforced these by unlawful means. The Lieutenant Governor is quite justified in saying that our administration of the law has not been impartial. The evidence taken before the Indigo Commission shows what the nature of the above-mentioned obligations and means has been, and how they have been used, especially by the native servants of the factories; and I am sorry to say that it does not show that the ryots have been adequately defended against them.

In this respect the Government has been long in fault; and the fault is a part, or a consequence, of the general and acknowledged imperfection of the administration of justice and of police in Bengal. But, as regards the crisis through which we have just been passing, I am not aware of anything which could wisely and safely have been done in the last 12 months, and which has been left undone.

On the one hand, the planters were, in the exigency of the moment, protected to the very verge of justice to the ryots by the Act of 14th April 1860. In truth, but that that Act was declaredly temporary, it would have been unjust to the ryots. On the other hand, the ryots having become sensible of their position, were cautioned against pressing such grievances with violence or excitement, and were solemnly warned against repudiating contracts which were real. They were also warned against the delusion (to whatever extent it may have existed) that the Government was opposed to the cultivation of indigo; and means were taken to compel them by force, if necessary, to be peaceable.

There was at one time risk of conflict arising from a coercion of the ryots, where their contracts were real, and where the planters would have been justified in compelling them by law to sow. I understand that no such conflict has arisen; and if so the merit is due to the planters for their wise forbearance.

In a proclamation issued in one district, an error was committed by the apparent ignoring of the obligations of those ryots who were under engagements to sow indigo in years subsequent to the present year; but this was pointed out to the Bengal Government, and I believe that no evil resulted from it. At all events the continuance or recurrence of any evil that was likely to result from it (such as the repudiation by any riot of a *bonâ fide* obligation to sow or deliver indigo), was guarded against as far as the Government could guard against it.

4. If, nevertheless, it should be the opinion of any one that the Government ought to have done more to ease the crisis to the planters, and to induce the ryots not to refuse to sow, I beg that he will read the evidence recorded by the Commission. No one who does so will fail to see that, having regard to the strong feeling evinced by the people against the cultivation of indigo, and to the reasonableness of that feeling, the Government would have been unfaithful to its duty if it had not made known to the ryots exactly their position under the law. He will see that any attempt on the part of the Government to persuade or reconcile those ryots to sow, even for one season, who were not bound to sow, would have been liable to very dangerous misinterpretation. And if he will refer to the Lieutenant Governor's minute of the 17th of September, describing the scene through which Mr. Grant passed about that time in Nuddea and Jessore, he will find that although it was the peaceful people of Bengal with whom we had to deal, and although they were quite orderly and respectful, their conduct demonstrated unmistakeably that to endeavour to stint or delay their exercise of free judgment in disposing of their land or labour, might have led to consequences much more disastrous than any partial discouragement of the growth of indigo.

To me it appears that there was only one fitting and safe course for a Government to take in such circumstances—to speak the truth plainly and fully to both sides; to warn both; and to be prepared to enforce order with a strong hand.

5. The Lieutenant Governor shows what proportion that part of the indigo trade of India, which has been in jeopardy, bears to the rest of the trade. This is very deserving of attention. Less than one-fifth of the produce of the Bengal Presidency, or about one-seventh of the produce of all India, has been in peril. In other words, six-sevenths of the indigo cultivation of India is carried on upon systems which, if not all equally sound, have not had their unsoundness pushed to the extreme and dangerous length which has been reached in some parts of Lower Bengal. This shows that the interests of India as an indigo-producing country are not widely in peril; and it is presumptive evidence that where the system has been unsound the remedy lies with the planter, and not in changes of the law. For those who grow indigo on a sound system live under the same laws, and, to a great extent, under the same local administration with those who grow it on an unsound one.

6. But I rate the local value of the indigo trade higher than I understand it to be rated by the Lieutenant Governor.

Of course that value depends mainly upon the profits which indigo brings to the producer and to the manufacturer; but the trade is valuable on other grounds also.

* Messrs. Watson. The cultivation and manufacture together give employment to many more persons than would be employed if grain crops alone were raised. I believe, that in and about the factories of one firm* alone, upwards of 60,000 persons are engaged at one season or another; representing an outlay, which, together with the planters' and merchants' profits, is drawn from Russia, France, and England mainly, but more or less from every civilised country in the world.

And, although it is true that grain, rice, and oil seeds would at present prices be far more valuable crops than indigo, this has not always been so, and it may not continue. It is certain that as Upper India extends and improves its productions, and as the facility of transport increases, the tendency will be towards a general equalisation of prices in all articles, the cultivation of which is common to a greatly extended area;† whilst Lower Bengal, having a soil and climate better suited to the growth of indigo than any that have yet been discovered in the world, would not, as regards this product, be affected by any new area that could be brought within reach of the port of Calcutta. It is, therefore, quite possible that rice and grain may again become unremunerating crops, while indigo, cultivated upon a sounder system, would not only hold its own against them, but would become more and more profitable as the extending wants of foreign

† The degree to which the want of roads or of easy communication causes a difference of prices, even in the necessities of life in different parts of the country, is scarcely credible out of India. At this present time there is famine between Delhi and Agra; whilst in Oude, less than 200 miles distant, there is a glut of grain. Ten days ago the Irregular Cavalry with my camp were paying in the Mirzapore district 33 per cent. more for forage, and 60 per cent. more for flour, than they are to-day paying in Rewah. The reason is, that in Oude and Rewah the roads are few and bad.

foreign markets gave a higher value to the peculiar advantages possessed by Bengal.

7. These are not reasons for protecting or bolstering up the cultivation of indigo in any place, and least of all where it is cultivated upon a system which is not sound; but they would be reasons for viewing with regret any general break down of the indigo trade of Bengal, if a general break down were imminent; and they are reasons for giving to the English capitalists engaged in that trade all the help and encouragement that can be given to them short of special legislation. By special legislation, I mean any legislation which should confer upon indigo planters greater power and facility than are accorded to other classes in the making or enforcement of contracts, or in the punishment of breaches of contract. I concur with the Lieutenant Governor in deprecating any laws of the kind.

8. But I am not sure that help may not be properly and usefully given to the planter without departing from this principle. Already the fraudulent breach of contracts for service, of contracts with artificers and labourers, or of contracts for public works, is cognizable by a magistrate and punishable with fine or imprisonment. Perhaps the same law might beneficially be extended to contracts for the delivery of any agricultural produce (not of indigo alone) where the breach of contract was fraudulent, and where advances had been accepted. Upon this question I wish to defer giving a final opinion until I return to the Presidency.

9. That which certainly can be done to help the indigo planter is to improve the police; to improve and expedite the administration of the law, and to give the security of registration to contracts for agricultural produce.

The Lieutenant Governor states briefly what has been accomplished and what is in progress under these heads. It will be seen that much has been done in the last few months by the introduction of the new civil code, the strengthening and extension of the courts, and the increase of sub-divisions. I have nothing to add to his Honor's statement, except that I entertain no doubt that a system of police, similar to, though not precisely the same as the Madras system will be found applicable to Bengal; and that I am perhaps a little less confident than he is of the satisfactory working of a registration scheme.

10. I agree in the Lieutenant Governor's objections to the appointment of special indigo district officers, or of special indigo commissioners.

To the employment of special commissioners, indeed, (which was much pressed upon the Government at one time), there is a fatal impediment, unless the number of them were far greater than the supply of thoroughly competent and available persons would permit they would be quite unequal to the task. The area of the six districts* in which alone serious differences have arisen between the planter and the ryots, (and the operations of the Commissioners could not fairly be confined to these), extends to about 15,000 square miles; the roads within it are few; it is intersected with large unbridged rivers, and it is studded thickly with indigo factories. An attempt to refer all disputes in indigo matters to any moderate number of roving commissioners would, in such a country, infallibly fail, whilst the expense would be a large addition to the cost of the existing judicial establishment of the country.

* Rajshaye,
Moldah,
Moorshedabad,
Nuddea,
Jessore,
Fureedpore.

The idea of employing special commissioners seems to have been taken from the example of the inspectors of factories or of coal mines in England; but in a country where railways and good roads are as yet unknown, where the land is a swamp for four or five months in the year, and where each factory consists, not of a compact building, and some hundreds of workmen living within a stone's throw of it, but of a tract spreading over many miles, and including numerous villages and their lands, the example is not appropriate.

11. The Lieutenant Governor touches briefly upon the suggestion to invest indigo planters with magisterial powers as honorary magistrates, and makes mention of a previous minute of his as being already before the Government of India, and as recording his opinion upon that subject. I enclose a copy of that minute, and of minutes by the members of the Supreme Government, and I request your perusal of these papers.

Minute by Lieutenant Governor of Bengal, 3d November.
Ditto by the Governor General, 13th November.
Ditto by the Honourable Mr. Beadon, 13th December.
Ditto by the Honourable Sir B. Frere, 18th December.

They treat of the question of honorary magistrates in Bengal generally, and not in the indigo districts alone ; but they show how strongly the Government of India desires to obtain from non-official English gentlemen in those districts, as elsewhere, aid in support of the law, and general co-operation for the purposes of Government. They show, too, that this is no new desire, and they cite the fact that an experiment has already been made of the measure, though in circumstances and at a time singularly disadvantageous.

12. But in truth, the greatest impediment of all to the well-working of that measure in Lower Bengal is this very system of indigo cultivation which we are now discussing, and which every man, planters themselves included, joins to condemn. Let any one who has read the evidence taken by the Commission say whether the position of an indigo planter conducting his factory upon that system, and called upon at the same time to act as a guardian of the law, and as a protector of the weak from wrong, must not be a false and untenable position.

It is monstrous that in the part of India where independent English residents are most numerous, and where there are many who, by character and education, are well qualified to take their places in a magistracy, the vast majority should, by reason of an old-established vicious system of dealing with the natives, which perforce they have been compelled to follow, be practically debarred from rendering useful service to the State. The system was so old and so deeply rooted, that although better police and better administration of the law would have diminished the evils growing from it, I do not believe that any action of Government could, within a reasonable time, have forced a sound system into its place. The endeavours of individual planters to do so, and to institute fair relations between their class and the ryots would have remained equally unavailing. The task required not only courage, perseverance, and capital, but union and co-operation, and these last are not easily accomplished by non-official residents in the Provinces of India. There would, too, have been a certainty of loss, more or less heavy and continued to any planters who should have attempted to set their relations with the ryots upon a thoroughly right footing. As it is, the system has now broken down from its own unsoundness ; and whilst I deeply deplore the injury which its fall will bring upon some who have earnestly striven to mitigate its injustice and to make the best of it, I cannot look upon the emancipation of Lower Bengal from such a system, and the changes which will follow that emancipation, as other than a great national good.

I have, &c.

Canning.

Camp, Kuttra Moharee,
29 December 1860.

EAST INDIA (INDIGO COMMISSION).

P A P E R S

RELATING TO

INDIGO CULTIVATION

IN

B E N G A L.

(*Sir Arthur Buller.*)

*Ordered, by The House of Commons, to be Printed,
4 March 1861.*

[*Price 1 s. 1 d*]

72—II.

Under 16 oz.

EAST INDIA (INDIGO COMMISSION).

SPPLEMENTAL RETURN to an Address of the Honourable The House of Commons,
dated 15 February 1861 ;—*for*,

“ **COPIES** of a **LETTER** from the Governor General, dated the 29th day of December 1860, to the Secretary of State for *India*; together with the **MINUTE** of the Lieutenant Governor of *Bengal* on the **REPORT** of the **INDIGO COMMISSION** : ”

“ Of the **REPORT** of the **INDIGO COMMISSION**, with **EVIDENCE** and **APPENDICES** : ”

“ Of **PROCEEDINGS** which led to the Appointment of the **COMMISSION** : ”

“ And, Of any **MEMORIALS** presented or **COMMUNICATIONS** made to the Government of *India* by the **PLANTERS**, and the **REPLIES** of the Governor to the same. ”

India Office, }
26 February 1861. }

J. HAWKINS,
Secretary, Judicial Department.

(*Sir Arthur Buller.*)

Ordered, by The House of Commons, to be Printed,
8 March 1861.

SUPPLEMENTAL PAPERS

RELATING TO

INDIGO CULTIVATION.

(Judicial.—No. 5 of 1861.)

To the Right Honourable the Secretary of State for India.

Sir,

No. 2, dated the
8th January 1861.

In continuance of our letter, No. 113, dated the 28th ultimo, we have the honour to forward the special narrative of the Proceedings of the Government of Bengal (noted on the margin), reporting further proceedings connected with the indigo excitement in Bengal.

Fort William,
10 January 1861.

We have, &c.
(signed) *H. B. E. Frere.*
Cecil Beadon.
S. Laing.

Demi-official, from the Officiating Secretary to Government, to Mr. *E. H. Lushington* and Mr. *H. M. Reid*, Commissioners of Nuddea and Rajshahye.

STRONG representations have been made to the Lieutenant Governor that the planters in some parts of the country are at this moment labouring under difficulties of a peculiar kind. In some places they complain that they cannot collect their rents, and dare not send their servants into the villages; in others, that the factory servants dare not show themselves anywhere for fear of insult; and in others, that lands belonging to the factory are seized by the ryots.

2. There should be little difficulty in dealing with actual cases of assault or aggression. In such cases, the magistrate must act with vigour and promptitude himself.

3. But it may not be so easy to deal with any combination not to pay rents, or with a merely defiant attitude, or with a general refusal to sell supplies, or to give any aid to the planter whatever.

4. Now, if this sort of complaint is well founded, the planter requires countenance and protection. It is quite clear that all ryots perfectly understand that forced, illegal, and unprofitable cultivation of indigo is now at an end. No one, European or Native, can have the smallest doubt on this head.

5. This being clear, it is also quite possible that what the planters allege may be correct; and if so, the very first opportunity of showing the ryots that they must not be defiant or oppressive, should be taken.

6. They have had the underhand for a long time, but they have now nothing to complain of, and must not be allowed to have the upperhand.

7. If factory people are really menaced and harassed in a general way, the police must assist them. Tehsildars, gomashitas, and other servants must be allowed to go in and out as they like, and to carry out their masters' lawful business. Yourself and the magisterial authorities must give the police the proper tone in this respect, and you must impress this on the zemindars.

8. No

8. No opportunity should be lost of impressing on gantidars, substantial ryots, and others, that planting indigo is a matter of free choice; paying rents, where due, is a duty; and they should be warned of the inevitable consequences of failure in this respect.

9. If any additional agency is wanted anywhere to decide rent cases, or to try cases of contract, or cases for regaining or retaining possession, in the civil or criminal courts, you should let me know as early as possible, and additional means will be taken to provide the same.

10. Planters should be asked to let you know what line they intend to take, *i.e.*, whether they will go into court for rents, or on *kabuliats* for indigo, and for damages.

11. You might also endeavour to find out whether foolish rumours of the intentions of Government are now being propagated; and if so, of what kind, by whom, and with what object, and in discountenancing them you can use every legal mode and all your legitimate influence.

12. Open aggression and open intimidation may, it is hoped, be reached by the law, and this, of course, the magistrates will try and effect. But there may be other cases in which the opposition to the factories takes the form of quiet but firm resistance, and of standing aloof from the planter and his servants altogether, so as to leave him quite helpless. In these cases, the Lieutenant Governor will rely on you so to use your personal influence in counteracting this feeling, as to show the ryots that while they will always be protected from aggression and violence henceforth, they shall not be supported in making what I may term a "dead set" against planters.

13. Personal intercourse, activity in the open air, advice and persuasion, and, where necessity exists, clear intimation of the consequences of refusal to pay rents, or perform any other lawful service, may do much; and I trust that this letter, which you can show to your subordinates, will be sufficiently indicative of the course which the Lieutenant Governor desires should be pursued.

14. If it should be true that acts of open violence occur, and that evidence thereof is not obtainable, the Lieutenant Governor thinks that this can hardly be without fault on the part of the police. The magistrates or sub-divisional officers, whenever this is the case, should summon the darogahs to them, and impress upon them the fact that a continuance of such a state of things within their thannahs will be held as a proof of their inefficiency, as it will argue either partiality or want of vigour and strength of character in them.

15. Care must be taken in instructing magistrates to warn them that nothing in these instructions warrants or permits any interference by the police between planter and ryot, respecting their dealings with each other in indigo, or in any other affair of a commercial nature.

16. The police could not safely be entrusted even to speak in such a delicate business.

(signed) *W. S. Seton-Karr.*

7 December 1860.

Calcutta, 3 January 1861.

In continuation of my demi-official of the 7th ultimo, I am directed to inform you that it has been represented to the Lieutenant Governor that wherever a Collector is made aware that there is a combination against paying rents, he might be directed to go to the neighbourhood, or to send the sub-divisional officer there. The Collector or sub-divisional officer should then send for the principal ryots, and reason with them on the spot, making them understand that such conduct is highly disapproved of by Government, who has directed him to tell them so.

2. The Lieutenant Governor understands that Mr. Lushington's speaking to the people has had the best effect; and a Commissioner will always be the most effective expounder of laws and duties. But a Commissioner cannot be everywhere.

where. A good sub-divisional officer may often answer the purpose, and where he is young, or has little local experience, the Collector can go himself.

3. The Lieutenant Governor thinks the request alluded to in the first paragraph of this letter a very reasonable one, and in acceding to it, he desires that you will act accordingly. It will be the best to lecture the ryots in the presence of the planter whenever rents, lawfully due, are refused. You may inform the ryots that you are acting under the special instructions of the Lieutenant Governor, and that anything like a combination not to pay rents will not be tolerated for a moment by the Government. The matter should be separated from indigo, which should not be mentioned at the same time, unless it be to show the difference between what is optional and what is a duty.

4. Mr. Larmour has informed the Lieutenant Governor that there are two places in which the combination not to pay rent exists to his injury. One is at and near Narainpore in the Catgarra concern, in the sub-division of Bongong, thannahs Bagda and Hanskhali. In this case it may be well if Mr. Herschel proceeds there himself. The Lieutenant Governor understands that Mr. Larmour does not wish the matter of indigo to be pressed at this moment at or near the above place. His present object is to get his rents; and to help him against an unfair combination is most unobjectionable. This being the case, and the matter of rents being kept separate from indigo, a lecture or two should convince the ryots, and get Mr. Larmour out of his difficulty.

5. The other place is the Ijara of Duttia and Baukrah, either in Jessore or Baraset. It may be within the Satkera sub-division of the latter district. It is understood that no indigo is or has been grown there, which makes the combination the more inexcusable.

6. If any zemindar or gantidar is inciting the ryots to withhold their lawful rents, he should be sent for and warned of the consequences.

7. Copies of these instructions have been sent direct to the magistrates of Nuddea, Jessore, Pubna, and Baraset, and they can act on them in any similar circumstances that may arise. You will instruct all your subordinates accordingly.

From *H. M. Reid, Esq.*, Commissioner of the Rajshahye Division, to
W. S. Seton-Karr, Esq., Officiating Secretary to the Government of Bengal,
dated the 28th December 1860.

Sir,

I lost as little time as possible in communicating to the magistrates of Pubna, Moorshedabad and Rajshahye, the contents of your demi-official letter of the 7th instant, about the difficulties under which planters in some parts of the countries are now, or have recently been labouring, and I enclose copy of a letter from the officiating magistrate of Pubna, on the subject, dated the 26th instant. I also arranged for a conference between the magistrates, at which the following report was agreed to:—

“As you desired, we have talked over the questions put in your letter. As to the effect of the orders issued in the late demi-official Government letter, the time that has elapsed since its receipt has been too short to admit of any marked practical result as regards the state of feeling on the question of the day. Throughout, the course indicated by Government has been pursued. Latterly, owing to our having all been in camp, we have had more opportunities of impressing upon all classes, by personal communication and practice, the consequences of any resort to violence or refusal to perform any lawful service. The orders of Government were communicated to all subordinate officers concerned, and the opportunities taken of again intimating to them in the clearest manner the great importance attached by Government to prompt and decisive action in reference to all disputes to which factory servants and Omlah are parties. We have no doubt that this direct and clear expression of the course to be pursued will tend to increase their confidence in the discharge of this duty.

“With regard to your question as to the effect of the last Government proclamation

mation issued in October last, we think there are special circumstances which render a separate report necessary for each district."

The magistrates will, when submitting the reports on their cold weather tours, enter in greater detail into the question of the difficulties experienced by planters, the measures they have taken to overcome them, and the result of their exertions in that direction; and, at the same time, report further about the effect produced by the late proclamation.

The difficulties which have been met with have consisted in the loss of their factory and private servants from desertion caused, no doubt, in a great many instances by the latter having been put out of caste and inconvenienced by their barbers, and hookahs having been stopped, and by their having been otherwise intimidated or unduly influenced. In some cases, the supply of poultry, eggs, milk, and other bazaar articles of consumption has been cut off from the factory managers and their assistants, while, in others, there have been complaints of factory dawk-runners having been intercepted, the contents of their bags examined, and in one case, of a dawk-runner having been waylaid and assaulted. Where such cases as those last alluded to have been brought to notice, orders have at once been passed for the effectual keeping open of the roads along which the dawk-runners had to pass, and for bringing the offending parties to justice, but the spirit of combination has been so strong that sufficient proof for conviction has not, I believe in any case, been obtained. I was out for four days lately with Mr. Cockerell, the magistrate of Moorshedabad, in camp in the south-east part of his district, and was present while he investigated several cases in which factory servants complained of their barbers and hookahs having been stopped. Mr. Cockerell's mode of procedure, which I thought an excellent one, was to send for the parties, the factory servant or well affected factory ryot, the barber and the individuals who were accused of having deterred the latter from shaving the former, and to confront them, and examine them orally in the presence of the large native audience which daily attended at his tent. The facts were generally admitted. The barber pleaded that he was not a voluntary agent in the matter, but had acted under orders, and the accused for the most part urged some frivolous and extraneous plea (which they were unable to substantiate) for having acted as they had done. The result was a strong warning to them from the magistrate, that he would on no account permit such acts of oppression to take place in his district; and that if he heard of any such again, the parties committing them would be severely dealt with. The accuser and the accused then generally separated on good terms. The parts of the districts of Moorshedabad, Pubna and Rajshaye, in which difficulties of the nature of those described have been met with, have been confined, in Moorshedabad, to the two thannahs of Nawadah and Jellinghee in the sub-division of Kurreempore, and to the eastern and south-eastern thannahs of Gowas, Hurrihuparra, and Raneetalao. In Pubna such acts appear to have been general in parts of the Koosteah and Commercolly sub-divisions, and to have been less generally complained of on the left bank of the Puddah in Pubna Proper. In Rajshahye they have, I believe, been wholly confined to a small tract of country in thannahs Beelmuria and Pooteah, where local influences have been successfully resorted to with the view of inducing the ryots to give up the cultivation of indigo altogether.

I held office for two days recently at Ryta, in the sub-division of Koosteah in the Pubna district, where I had expected to meet Mr. Bainbridge, who was however prevented joining me at the time intended, owing to urgent business. The ryots who came to my camp, and who were under engagements to sow indigo (which they wished to repudiate) for the Messrs. Watson's Sonaykoondee concern, were much more quietly disposed than I had expected to find them, and they seemed inclined, when spoken to, to carry through their engagements with the factory. Mr. McLeod, the general manager of the Messrs. Watson's indigo concerns in that quarter, was present, and was most conciliatory towards the ryots who attended. I should have mentioned that some of the villagers of those parts had, just previous to my arrival, been arrested and punished for a severe assault on one of the factory servants, and that this may have induced the others to come to terms, while at Ryta some of the ryots who had been down to Calcutta to petition Government against indigo, showed me the English order which had been passed on their petition, and which was to the effect that Government could not interfere, but that they should petition the district authorities, who would redress their wrongs, if any. On my asking them if they knew

the purport of the order, they informed me that it was to the effect that they were not to sow any more indigo. I thereupon caused a careful translation to be made of the order in Bengalee, and made over one certified copy of it to the petitioners, and another to Mr. McLeod. I would suggest in future, that when such orders may be in like cases issued from the Government, they should be either written in Bengalee, or a translation of them be appended. My having given the translation seemed to have an immediate and beneficial effect on the parties who held the original, and who up to that time had either misunderstood, or had pretended to misunderstand, its meaning. I should mention that numerous ryots informed me, on various occasions, that they had been told that Government had prohibited the further cultivation of indigo, and that parties who cultivated were to be imprisoned, some said for six months, others said for seven years, and others again for 14 years. Of course I took every opportunity of disabusing this notion, and explaining to my informants (many of whom evidently believed that what they had heard was true) that the reports were invented by evil-disposed and designing persons. On the whole, I was surprised to find the Moorshedabad ryots so quiet, and Mr. Michael, the Messrs. Watson's zemidaree manager on that side, informed the magistrate and collector, Mr. Cockerill, in my presence, that there was no difficulty in collecting the rents from them. In Pubna matters appear to be more quiet. Mr. Kenny, of Salgamoodea, at one time anticipated, and I believe experienced, much difficulty in collecting his rents; but the warning which Mr. Lushington, the Nuddea Commissioner (who has recently been in that locality), has given to the ryots, combined with the steps taken by Mr. Bainbridge (with my approval), for securing the prompt realisation of the rents, will no doubt be followed by satisfactory consequences in this respect.

The ryots in Rajshahye district are more excited just now than elsewhere. This is partly attributable to the excitement having only very recently (in August and September) reached them, and partly to other causes. I have taken every opportunity of explaining to them the purport of the Government orders, and I believe, in several instances, with a good effect. The magisterial officers are also doing their best; cases of coercing factory servants and causing them to desert from their employers, would appear to be rare in Rajshahye. In regard to the last Government proclamation, I am only prepared to say at present that it seems to have had a good effect in some cases in which I have sent copies of it to some influential zemindars in this district, by letter. The above zemindars being neutral parties in the dispute, have, I believe, exerted their legitimate influence to induce their ryots to perform their contracts with the factories.

No further additional aid is, in my opinion, required in any of the districts at present in connexion with these disputes and for the speedy decision of rent suits. Should Mr. Platts, of Kurreeempore, require any aid, it can be sent to him from the existing staff of this division or Nuddea. Trusting you will excuse the delay (which has been unavoidable), in replying to your letters of the 7th and 8th instant.

From *A. J. B. Bainbridge, Esq., Magistrate of Pubnah*, to the Commissioner of the Rajshahye Division, dated the 26th December 1860.

Sir,

My opportunities of taking action specially on the Government letter have necessarily been few, as it has not been received above a fortnight.

Throughout I have endeavoured to produce the impression indicated in para. 12 of the Government letter, and that very much by the course of action pointed out.

Since its receipt I have, on every occasion, explained that the advice given and action undertaken by the Executive, was by the express order of the Lieutenant Governor.

The result of this profession of authority has been, I think, in the vicinity of my camp, and will be to diminish the difficulty alluded to by convincing the ryots that Government is in earnest. The clear exposition of the course incumbent on them has also increased the confidence of, and incited the energy of the subordinate Executive. I should not be surprised if a check in this direction be presently required in some places. In Furreedpore I addressed the market people in the Hâth, on the subjects alluded to in the Government letter, especially in paras. 6, 17, 8, 11, and 4. I closely investigated a case of violence which had occurred there, and showed them all the culprits in custody two days after the outrage, explaining what would be the result to them, and all who acted like them.

them. I also caused the factory to exercise possession of their decreed lands in my presence wherever they alleged any difficulty.

You are aware of the present state of Sonakundy. The only other places where these difficulties exist, are Salgamooodea, Hizlebut, and to a slight extent in Dobracole, where a case of kidnapping a gomashtha is reported, Neechindapore, and Sonapore (Mr. Battersby's).

To Hizlebut I have not been. In Salgamooodea the visit of the Nuddea Commissioner to Coosteah and the decided manner in which he spoke to the ryots on the rent question has had, I think, considerable effect, and accelerated the improvement, the commencement of which has been reported.

I sent for Golam Meer, Mr. Kenny's chief opponent. He was in attendance in a case of conspiracy, wherein, you know, I took a sutwa, and on which I instructed Mr. Stewart to act.

I explained this sutwa to him, and the instruction of Government upon me. He professed perfect amenability, offering to cause all rents within his influence to be immediately paid up.

Mr. Kenny, however, on being asked what course he intended to pursue, declined to treat further with him, or withdraw the prosecution.

It was therefore settled, for reasons obvious to you, that, if after deferring the case ten days, no compromise was filed, Mr. Stewart should decide the case on its merits, without further reference to either party.

Mr. Kenny has also decided on furnishing me with a list of villages, their tehsildars and headmen.

I intend publishing a notice ordering payment of arrears of rent in these villages, and shall have the headmen sent to my camp to be instructed to the same end.

Mr. Stewart has also been requested to take measures to secure the tehsildars and amdah, while about their legitimate duties, where protection is required.

Then, as to the question of the Act proclamation, I understand its object was to calm violent excitement and to remove uncertainty as to what protection ryots would get, and what course was legitimate.

At the close of last season, such an authoritative expression was urgently required in my judgment in parts of my district, and I consider this has fulfilled the end sought.

It is objected that it says too much, has been misunderstood, and done more harm than good.

In my opinion, if it was necessary to speak at all, Government could not have said less. Although natives always pervert, and, before planters and authorities, apparently regard only those clauses which coincide with their wishes, they do and must perfectly understand in private this clear simple intimation.

Their general conduct proves it. It shows that they not only understand what their legal obligations are, which are plainly told them, but also how to take advantage rather of the defects of the law which are not told them.

Wherever violence has occurred, it may be traced not to misapprehension or uncertainty, but to the influence of some ill-disposed zemindar or interested party.

The effect may not have been entirely favourable to a speedy settlement and restoration, indigo speakingly, but the preservation of the public peace was greatly aided, and this, anything less than the whole plain truth, would have greatly prejudiced Government had more than the successful manufacture of indigo to look to.

From *C. T. Davidson, Esq.*, Commissioner of the Dacca Division, to *W. S. Seton-Karr, Esq.*, Officiating Secretary to the Government of Bengal; dated the 26th December 1860.

Sir,

I HAVE had the pleasure to receive your letter of the 18th instant, desiring to know whether the instructions conveyed in your demi-official letter of the 7th instant, which reached me on the 15th, have had any practical effect. I have sent a copy of your letter to the magistrate of Furreedpore, and immediately I receive from him the report I have called for, I will again address you.

As regards the other districts of this division, you are perhaps aware that in Backergunge and Sylhet, there are no indigo factories, and that nearly the whole of those in Dacca and Mymensing comprise Mr. Wise's concern. This concern has now 32 factories in work, of which 26 are in Dacca and Mymensing, and the remaining six on the left bank of the Megna, in zillah Tipperah. I am informed by Mr. Wise's manager, Mr. Dunne, that the whole of the October and November advances and sowings have been completed, and that two-thirds of the advances for the spring sowing have also been made, and that cultivation is going on freely and well. Mr. Dunne tells me that he has no breach of

contract cases pending in any of the courts, and only one case under Act IV. of 1840, for possession of land, about 15 beegahs in extent, before the magistrate of Dacca.

Besides his indigo factories, Mr. Wise holds a large number of estates (upwards of 100), either as zemindar, talookdar, or farmer; and so far from experiencing any difficulty in realizing his rents, Mr. Dunne informs me that he has not a single suit pending under Act X. of 1859, and that he has rarely known the rents to have been paid in with greater punctuality than in the current year.

From *E. H. Lushington*, Esq., Officiating Commissioner of the Nuddea Division, to the Officiating Secretary to the Government of Bengal (No. 339 Ct.), dated the 24th December 1860.

Sir,

In reply to your letter, No. 5014, dated 24th September, I have the honour to enclose copy of letter, No. 566, dated 26th ultimo, from the magistrate of Jessore, and letter, No. 83, dated 21st instant, from the magistrate of Nuddea, on the effect of the publication of the Notification in their respective districts.

2. I would respectfully explain, for the information of the Lieutenant Governor, that the publication of the Notification was conducted in strict accordance with the orders laid down in your letter under notice.

3. In Baraset, where strong excitement on the indigo question has not prevailed since I joined this office in May, the Notification was not published in any part of it.

4. In my instructions to the magistrates of Nuddea and Jessore, those parts of the country were specially mentioned by me, where, in my opinion, the promulgation of the Notification was absolutely necessary.

5. In Nuddea the Notification was widely promulgated in the Kurreempore division, excepting those villages belonging to Mr. Sibbald's concern. Messrs. Watson & Co. are the largest indigo planters in that sub-division; Mr. Smith, of Katoolee, has also extensive estates there, and there can be no doubt of the excitement having been very strong at that time on the indigo question throughout these two properties. On looking over Mr. Platt's, the deputy magistrate's diaries with reference to this publication of the Notification, he appears to have conducted this duty with great carefulness and prudence.

6. In the Damoorhoodah sub-division, which contains many factories belonging to Messrs. Watson & Co. and the Bengal Indigo Company, the Notification was pretty widely circulated.

7. In Jessore it was necessary to publish it more or less in every sub-division except that of Khoolneah.

8. No allusion to the Notification has been made to me by any ryot during my tour, but from conversations I have had with many, I have no doubt of the subjects to which it refers being thoroughly understood by them.

From *R. J. Wigram*, Esq., Officiating Magistrate of Jessore, to the Commissioner of the Nuddea Division (No. 566), dated the 26th November 1860.

Sir,

I HAVE the honour, in accordance with paragraph 4 of your letter, No. 151 Ct., of the 26th September last, to inform you that the sub-divisional reports on the publication and effect of the Government Notification have been received.

2. I caused the Notification to be published throughout the Magoorah and Jenidah sub-divisions and in the Sulkea thannah of the Nurail sub-division. I did not consider it necessary to publish it in the Lohagurrah neighbourhood, and with regard to Magoorah, I left it to Mr. Tayler's discretion to forego the publication of it in any part of his sub-division might be necessary.

3. The

3. The means of publication which I recommended to my subordinates were, that a copy of the Notification should be sent to every factory, and a Bengalee copy should be fixed in a conspicuous place in every principal village where any excitement prevailed, and read aloud to the people by a responsible police officer, such as the darogah or naib darogah, and copies distributed freely besides for private perusal, and generally that the fact of a Notification having been made of the Government view of the question, should be made widely known through the agency of village chowkedars and others.

4. *Magoorah*.—Mr. Tayler reports that he distributed copies in the above manner, and also made a practice for some time of having the Proclamation read aloud in his office when the petitions were taken. He does not, however, think that the Notification has had much effect on the people in general, at least as regards any alteration in their feelings towards indigo planting. He says that those to whom he has spoken have generally acknowledged their liability to fulfil contracts, but say that they are under no valid engagements.

5. *Nurail*.—Mr. Mackenzie is of opinion that the Proclamation has convinced the ryots that they are free agents as regards the cultivation of indigo, with which they continue positively determined to have nothing to do. The people listened attentively whenever the Proclamation was read, and were anxious to obtain copies of it, but they universally deny that they are under any engagements.

6. *Jenidah*.—Mr. Falcon reports that the Notification has been well received both by ryots and planters. Mr. Falcon had himself conversed about it with a large number of ryots who mostly pretended that they understood the meaning of the Notification to be that there was to be no more indigo. Several planters had spoken hopefully of coming to terms with at least a portion of the cultivation; and, in some instances, moderate concessions had led to favourable results, but there appears to be a strong spirit of combination abroad to prevent these ryots who are well affected from coming to terms with the factory. The general excitement seems to be cooling gradually down, which, however, is mainly attributable to the fact that no October sowings have been carried out.

7. On the whole, I think the aspect of affairs is gradually improving, and I hope that before the Spring many factories will, by moderate concessions, come to terms with the ryots. At present, however, the mass of the latter are so determined to throw off the yoke, that no Notification short of a positive expression of a desire on the part of Government would induce much outward change. It is, however, impossible that anything could have been clearer than the expression of the views of Government; and however much the people may pretend to misunderstand them, they must now be fully aware of them in reality.

From *W. J. Herschel, Esq.*, Magistrate of Nuddea, to the Commissioner of the Nuddea Division (No. 83 Ct.), dated the 21st December 1860.

Sir,

In reply to your letter, No. 393 Ct., of 8th ultimo, I have the honour to state that, from the closest inquiries I have been able to make, I cannot find that any special result followed on the issue of the Proclamation of September last. It was not published at all in Bongong, only in a few chosen villages in Damoorhoodah, and more extensively in Kurreempore, particularly in the Shikarpore direction.

2. That no result ensued which could be decidedly and directly traced to this Proclamation is owing to the simple fact that when it issued the ryots had thoroughly well understood their position. The proclamation put nothing before them which they had not heard over and over again, and I cannot see a sign anywhere that it produced any change in the current of affairs.

3. Mr. Larmour, indeed, when asked, complained of its operation in Malnauth. But it was not published within 25 miles of Malnauth, and Mr. Larmour himself laid no stress whatever upon the matter. Mr. Hills, in some of whose villages it was published, complained that it had not been published in others as well, but he did not lay any stress on the matter either. In Kurreempore the operation of the notice has been spontaneously complained of by the Messrs. Watson, at Shikarpore, but Mr. Platts only published it so extensively in that neighbourhood because the state of excitement seemed to require it; and he states that he could not perceive any marked change in consequence. The Shikarpore concern had become affected like all others, only a little later. Its difficulties had commenced before the notice appeared.

I do, however, think that the remarkable calm which has existed in this zillah for the last months, has been greatly due to the final decision which the Proclamation gave to on the question. It put an end to all doubts, so that the petitions put in in October, protesting against advances to sow indigo, were mere matters of form, the petitioners scarcely waiting to hear what orders were passed on them.

MEMORANDUM from *L. R. Tottenham*, Esq., Magistrate of Furreedpore (No 426), dated 13 December 1860.

Forwarded by the Secretary to the Government of Bengal for the information of his Honor the Lieutenant Governor.

From *L. R. Tottenham*, Esq., Magistrate of Furreedpore, to the Commissioner of the Dacca Division (No. 425), dated 13 December 1860.

Sir,

IN continuation of my letter, No. , of the 5th instant, I have the honour to report that, as far as has come under my personal observation, the state of feeling in this quarter of the district in connexion with indigo is apparently as determined as ever as regards the resolution not to sow, but I am glad to say the disposition to commit acts of violence appears to have been subdued for the present at least.

2. Since last addressing you on the subject, I have visited Modhookhalet, where there had been manifested an inclination to turbulence on the part of the ryots, and where much apprehension had been expressed by Mr. Pinto, in charge of the factory in that place, as well as by Mr. Bateersby, the manager of the whole concern.

3. Those gentlemen now confirm me in the opinion that anything like dangerous excitement no longer exists amongst the ryots of that locality.

4. While, however, this side of the district seems quiet enough, I have, within the last few days, received information from the deputy magistrate of Madareepore of a reported affray in Thannah Seebchur, arising, as is said, from an attempt by some of Mr. Smith's people to effect the forcible sowing of some land with indigo.

5. I am not yet in possession of any of the particulars, but have requested the deputy magistrate to report them to me as soon as possible, and institute a very careful inquiry into the case.

6. No pains will be spared to bring the offenders, whoever they may be, to speedy justice.

(No. 6,739.)

From *H. Bell*, Esq., Under Secretary to the Government of Bengal, to the Magistrate of Furreedpore.

Sir,

Fort William, 19 December 1860.

I AM directed to acknowledge the receipt of your endorsement, No. 426, dated the 13th instant, submitting a copy of your letter to the Commissioner, of that day's date, in para. 4 of which you state that you have received information from the deputy magistrate of Madareepore, of an affray in Thannah Seebchur, arising out of an attempt, on the part of some factory people, to effect the forcible sowing of some lands with indigo.

2. The Lieutenant Governor thinks it may be advisable for you to go to the spot and take up this case yourself, reporting the result of your proceedings for the information of Government.

3. On the Commissioner's return to the Sudder Station there will no longer be any necessity for you to submit your reports direct to Government unless some new or remarkable contingency shall occur, on which instant orders are demanded.

I have, &c.

(signed) *H. Bell*,

Under Secretary to the Government of Bengal.

From *H. M. Reid*, Esq., Commissioner of the Rajshahye Division, to the Officiating Secretary to the Government of Bengal (No. 1805), dated 27 December 1860.

Sir,

I HAVE the honour to annex, for the Lieutenant Governor's information, extracts, paras. 1 to 8, of a report from the officiating magistrate of Pubna (No. 880), of the 17th instant, of an attack made, on the evening of the 15th instant, on Messrs. Watson's zemindarree cutcherry at Furreedpore Bazar in the above district, in which four of Messrs. Watson's servants were slightly wounded.

2. The officiating magistrate, who was encamped some* miles distant from Furreedpore, proceeded with all practicable despatch to the scene of the occurrence, which he reached early the next morning; and the decisive action taken by him has enabled him to elicit the real facts of the case, and to bring the guilty parties to justice.

* Fifteen.

3. The case appears to have originated in an attempt made by the Messrs. Watson's people to collect their rents on a market day from the ryots of an estate of which they hold 12 annas share in farm. This attempt was discountenanced by the zemindars, and the result was an attack on the Farmers' cutcherry, to which some of the defaulters had been taken, that their rent account might be adjusted, the object of the attacking party being to rescue the above persons.

4. It is not clear from the Report whether the defaulting ryots were taken forcibly and against their will to the Farmers' cutcherry. I have called upon the officiating magistrate for further information on this point.

5. Mr. Bainbridge informs me that he has taken every possible opportunity of verbally explaining to the ryots, not only in this individual case, but also in all parts of his district, that it is their bounden duty to pay up their rents punctually to the parties lawfully entitled to receive them.

EXTRACT from a Letter from the Officiating Magistrate of Pubnah, to the Commissioner of the Rajshahye Division (No. 880), dated 17 December 1860.

I HAVE the honour to report, that information was brought me at Chatmohur, about midnight on the 15th, that the Messrs. Watson's cutcherry in Furreedpore Bazar had been looted, and four of his servants wounded, the evening before. At the same time the opposite party lodged a complaint of plundering cash, rents, and kidnapping.

2. I started off the darogah and an omlah at once; and, after taking the rival depositions at daybreak, followed myself.

3. The attack on the cutcherry is proved; the wounds of the factory servants are superficial.

4. The cross case has completely broken down. All the defendants against whom the charge is proved, including the zemindar's head servants, naib, and two others, are in custody, and will probably be sentenced before the close of the week.

5. The cause of the collision which took place on market-day was, that the factory servants laid hold of certain ryots for rent. The zemindar's people collected the Hât people, and attacked the cutcherry to bring them off.

6. It is clearly shown, that the zemindars of the eight annas share, of which Messrs. Watson hold the farm, had forbidden their ryots to pay their rents to their farmer, and that the servants of the other eight annas shareholders, four annas of which the Messrs. Watson also have the farm, have made common cause with them, and superintended this breach of the peace.

7. The removal of the detachment from here appears to have been a mistake. The collision appears to have been, however, entirely unexpected. The manager, Mr. Phillips, did not expect it, or object to the removal of the police; and the deputy magistrate, Moulvee Mahomed, who has been here a very long time, reported, as you know, that their presence was no longer required.

8. I shall not be able to stay here after the 19th myself; I have, therefore, ordered the detachment back, and requested Wasifoodan Khan to take charge of it on my departure, and undertake what remains to be done until the place settles down, which I think there is every chance of in a little while, after this case and my departure.

(No. 5a.)

From *W. S. Seton-Karr*, Esq., Officiating Secretary to the Government of Bengal, to the Commissioner of the Rajshahye Division.

Sir,

Fort William, 3 January 1861.

I AM directed to acknowledge the receipt of your letter No. 1,805, dated the 27th ultimo, submitting a report from the officiating magistrate of Pubna, of an attack made by certain ryots on Messrs. Watson's zemindaree cutcherry, at Furreepore Bazar in that district, and of the measures taken in consequence.

2. In reply I am desired to state, that the Lieutenant Governor considers the prompt action taken by the officiating magistrate against the rioters to be entirely satisfactory, and very creditable to that officer.

3. But it is stated that the cause of the collision was, that the factory servants laid hold of certain ryots for rent. Now, if this be a correct statement, here was a case of unlawful violence on the part of the factory servants, exactly of the nature calculated, in the present temper of the people, to create a disturbance, and one of those unlawful acts against which the late proclamation promised protection. It is not stated that any inquiry was made into this point. The unlawful seizure, if it occurred, would not justify the riotous attack. The friends of the persons seized should have applied immediately to the police to rescue them, and should not have attacked the cutcherry. But, on the other hand, the subsequent attack on the cutcherry does not excuse the original unlawful violence, if it occurred; on the contrary, it illustrates the consequences of such misconduct.

4. It will probably be unadvisable to take any new action in this case, whatever the fact may have been. But if, on receiving the further information called for by you, it appears to you that an omission has occurred, it will be well to notice it to the magistrate, and possibly to warn the farmer whose servants may have been in fault.

I have, &c.

(signed) *W. S. Seton-Karr*,
Officiating Secretary to the Government of Bengal.

(No. 2 of 1861.)

GOVERNMENT OF BENGAL.

8 January 1860.

| No. 15 of 1860. | No. 36 of 1860. | No. 53 of 1860. |
|-----------------|-----------------|-----------------|
| " 16 " | " 38 " | " 56 " |
| " 19 " | " 43 " | " 60 " |
| " 22 " | " 49 " | " 63 " |
| " 26 " | " 52 " | " 1 of 1861. |
| " 29 " | | |

THE accompanying further correspondence connected with the excitement on the indigo question is reported in continuation of judicial narratives noted in the margin.

Demi-official letters to Commissioners of Nuddea and Rajshahye, dated 7th December 1860.

Demi-official letters to Commissioners of Nuddea and Rajshahye, dated 3d January 1861.

Letter from Commissioner of Rajshahye, dated 28th December 1860.

Letter from Commissioner of Dacca, dated 26th December 1860.

2. Strong representations having been made to the Lieutenant Governor that the planters in some parts of the country were labouring under peculiar difficulties, owing, it was alleged, to combinations among the ryots not to pay rents or sell supplies to the planters, and in other ways to molest and harass their servants, the Lieutenant Governor caused certain instructions to be issued demi-officially (copies of which are appended) prescribing the course to be followed by the magisterial officers of the districts in which

which the indigo excitement prevailed, in dealing with this state of things wherever it was found to exist. Accompanying are copies of reports on the subject from the Commissioners of the Rajshahye and Dacca divisions. It will be seen that difficulties of the nature above described have been found to exist in small portions of the districts of Moorshedabad, Pubna, and Rajshahye; and that wherever such difficulties have been met with the action taken by the local authorities appears to have been attended with beneficial and satisfactory results.

3. The effects of the proclamation of September last in the district of Pubna are reported by the magistrate to have been such as to have fulfilled the object for which it was issued. The same may be said of the districts of Nuddea and Jessore, as will appear from the accompanying copy of a report from the Commissioner. And it was for these districts that the proclamation was chiefly intended.

Letter from Officiating Commissioner of Nuddea, No. 339, dated 24th December 1860.

4. The attention of the Right Honourable the Secretary of State is especially solicited to the above reports with advertence to the remarks contained in the concluding portion of the Despatch No. 145, dated the 24th November last.

5. On the 13th ultimo, the magistrate of Furreedpore reported that he had received information from the deputy magistrate of Madareepore, of an

Letter from Magistrate of Furreedpore, No. 426, 13th December 1860.

affray in Thannah Seebchur, in that district, arising out of an attempt on the part of some factory people belonging to Mr. Smith's concern, to effect the forcible sowing of some lands with indigo. The magistrate has been directed to proceed on the spot and take up the case himself, reporting the results of the proceedings.

Letter to Magistrate of Furreedpore, No. 6,739, dated 19th December 1860.

6. On the 27th ultimo, the Commissioner of Rajshahye submitted a report of an attack made by certain ryots on Messrs. Watson and Co.'s zemindaree cutcherry at Furreedpore Bazar in the district of Pubna, in which four of the cutcherry servants were slightly wounded. The case appeared to have been most promptly dealt with by the officiating magistrate, who was encamped in the vicinity. The cause of the collision, it was stated, was that the factory servants laid hold of certain ryots for rent. If true, this was an act of unlawful violence on the part of the factory servants, exactly of the nature calculated, in the present temper of the people, to create a disturbance, and one of those unlawful acts against which the late proclamation promised protection. It was not stated whether any inquiry had been made on this point. This was noticed to the Commissioner, with the remark that it would probably be unadvisable to take any new action in this case; whatever the fact may have been. But if, on receiving the further information called for by the Commissioner, it appeared to him that an omission had occurred, it would be well to notice it to the magistrate, and possibly to warn the farmer whose servants were in fault.

Letter from Commissioner of Rajshahye, No. 1,806, dated 27th December 1860.

Letter to Commissioner of Rajshahye, No. 5 A, 3d January 1861.

7. Herewith is forwarded a copy of rejoinder from Messrs. Watson & Co. to the reply given to their representation regarding the difficulties of their position which they averred were caused by the proceedings of this Government and of its officers. It was not considered necessary to enter upon any further discussion on the more general subjects noticed in their present letter and the previous correspondence (reported in para. 5 of Judicial Narrative, No. 60 of 1860). One of the tangible grounds of Messrs. Watson & Co.'s complaints was delay in the disposal, under Act IV. of 1840, of cases of dispossession in the districts of Nuddea and Pubna. Messrs. Watson & Co. were informed of the measures which had been taken by Government to expedite the disposal of such cases by the employment of additional agency in those districts. With reference to any individual cases of delay that might have occurred, a report has been called from the local officers, the Judges, and the Commissioners.

Letter from Messrs. Jardine, Skinner & Co., Managing Agents of Messrs. R. Watson & Co., dated 5th December 1860.

Letter to Messrs. Jardine, Skinner & Co., Managing Agents of Messrs. R. Watson & Co., No. 6857, dated 28th December 1860.

Letter from Messrs. Jardine, Skinner & Co., Managing Agents of Messrs. R. Watson & Co., to Commissioners of Nuddea and Rajshahye, dated 5th January 1861.

8. Another ground of complaint was, that Messrs. Watson & Co. had been forcibly dispossessed by the ryots of some of what they called their Neezjote lands.

Reports have been called for as to the general character of such cases, so as to see whether the charge of misgovernment, which Messrs. Watson & Co. infer therefrom, was or was not well founded. Should the result prove remedial measures to be necessary, Messrs. Watson & Co. have been informed that the Lieutenant Governor would spare no exertions to have such measures carried out.

Minute by the Lieutenant Governor, dated 17th December 1860.

Letter to the members of the Indigo Commission, No. 6,944, dated 19th December 1860.

9. The Lieutenant Governor having, in a Minute (copy of which is appended) submitted to the Government of India his views on the subjects embraced in the Report of the Indigo Commission, that body was formally dissolved with an expression to each one and all of the gentlemen who constituted it, of the Lieutenant Governor's cordial acknowledgments of the labour which they had given to the important work entrusted to them, and of the excellent manner in which they had completed that work. The sentiments recorded by the Lieutenant Governor in the last paragraph of his Minutes, as to the manner in which the Commission conducted their inquiries, and reported to Government their conclusions, upon the subject of their investigation, were also communicated to the members.

(signed) *W. S. Seton-Karr*,
Officiating Secretary to the Government
of Bengal.

Fort William,
8 January 1861.

From Messrs. *Jardine Skinner & Co.*, Managing Agents of Messrs. *Robert Watson & Co.*, to the Officiating Secretary to the Government of Bengal, dated 5 December 1860.

Sir,

WE have the honour to acknowledge the receipt of your letter, dated 7th October, which, in consequence of the intervening holidays, has not met with an earlier reply.

2. We beg to point out that the 1st para. of your letter contains a by no means correct abstract of the statements made in the 4th para. of our letter of 11th October last. You quote us as saying, "that the ryots have accepted a proclamation, which was issued in a neighbouring division, but not in the division where our concerns are mainly situated, as an invitation and command from Government to them to disregard their unfulfilled contracts," &c. Shikarpore Sudder Factory, and the greater part of that concern, is situated in Nuddea, and it is, and always has been, our chief and most important division. The name of "The Shikarpore Concern" is constantly employed to designate the whole of our indigo properties in that part of the country, and among the natives any reports which might reach them as affecting the Shikarpore Concern would be viewed as applying to all our factories generally. It followed, therefore, as a matter of course, that the promulgation of the objectionable proclamation in the Kurreempore jurisdiction led to its being immediately known throughout our Pubna and Rajshahye properties; and the proclamation not being restricted to the ryots of Nuddea alone, but addressed "to all ryots," the injurious effect was just as great as if it had been issued in these districts by the authority of the local officers.

3. With reference to the proclamation lately issued by the Governor General in Council, to which the Lieutenant Governor refers us as a remedy for our present difficulties, we would beg respectfully to repeat, what was stated by the Committee of the Indigo Planters' Association, when they protested against the issue of this or any other proclamation, that the effect could only be mischievous. Such has proved to be the result, and we cannot too often repeat that Government will only deceive themselves if they expect to remedy the existing state of things by any such measures. We are free to admit that the proclamation in question may be all that is to be desired, if addressed to reasonable beings; but reiterate that it is worse than useless to influence the unreasoning uneducated masses of this country.

4. Things

4. Things have gone so far that it is not easy to avail of the suggestions contained in your 4th para; but concurring, as we do, with all interested in indigo cultivation, in throwing upon Government the onus of having caused the present state of feeling, it seems to us their undoubted part to provide a remedy. That the efforts which have been, in some instances, made by the local authorities to undeceive the ryots have been unsuccessful, is to be explained by the fact that there has been a fixed impression throughout the country as to the hostility of the head of the local government to the planting interest, and to the belief that district officials had not his support in their endeavours to arrange matters. It would be idle to question the power of Government to make its wishes understood; nor can there be any doubt that if district officers were told that the still existing misapprehension must be removed from the people's minds that it would be done; nor is it less doubtful that, this point gained, the wishes of Government would be respected.

5. In further reference to para. 4, we beg to point out that, in stating, as you there do, that it is impossible for Government to tell the ryots that they "must sow," you appear to imply that we had requested Government to adopt this course; such interpretation, however, is in no way borne out by what we state in the 7th para. of our letter of 11th October. Our object there was to point out, that so firmly is the idea fixed in the mind of the ryots, that Government had ordered them "not to sow," that they stated that nothing short of a proclamation that they must sow, would counteract the effect produced by the action previously taken by Government in the matter.

6. In para. 6 you suggest, for our consideration, whether an amicable adjustment might not be best for both parties; but we think that, if the Lieutenant Governor had realised the position in which previous statements show that we are placed, he must have seen that any such alternative is entirely out of our reach; that, with the whole country combined to drive us from their districts, it had ceased to be a question with the ryots of asking them to fulfil their engagements. Our exertions have latterly been mainly confined to retaining possession of our own undoubted lands, and to being allowed to cultivate them by such labour as we could still command; but while our own lands were so generally forcibly taken possession of and sown down by the ryots, we could not look with much confidence to any satisfactory practical results from an attempt to effect "an amicable adjustment" with men who were daily and openly setting the civil and criminal law alike at defiance.

7. In para. 9, you refer us, for remedy to our complaints of dispossession of our own Neezjote lands, to suits under Act IV. of 1840, remarking that it is not stated that any such suits have been instituted on our part. In reply, we beg to refer to the records of the different zillah courts, in proof of the extent to which we have had recourse to the means of redress indicated in the Rajshahye district. We are happy to say, that the utmost promptitude and energy has been evinced in the adjudication of these suits, and the same has been the case, to some extent, in Moorshedabad also. In consequence, we have been enabled to make October sowings to some extent in these two districts; but in Pubna and Nuddea it is very different. One of our district managers, writing of our cultivation in these two districts, on a date 20 days subsequent to that on which we last addressed you, reports that none of our Neezjote cases had then been settled under Act IV., and it was not until the 8th of November, when the season for October sowings had practically passed, that he was able to advise any progress. Even, however, where possession has been decreed us, the disaffected ryots have, in not a few instances, resumed possession of the lands in question, and forcibly sown them down in crops of their own, and such proceedings have already been proved to the satisfaction of the authorities. Supposing, however, that the action of all district officers had been as complete and efficient as has been the case in Rajshahye, we submit that no stronger proof of the alleged misgovernment of the country is required than that we are calmly, and as matter of course, referred to the tedious and expensive recourse of litigation for the preservation of our undoubted and unquestionable rights of property. What would be thought of the police of Calcutta, if the residents generally were to find their houses in the possession of a band of lattyals, and were denied all access to them

until, in the course of a few weeks, they could prove their right under an Act IV. case?

8. Reply to your para. 11 is furnished by a statement which, in accordance with the concluding paragraph of your letter, has been sent into the Commissioner of Rajshahye, to whom also full details of the evidence and names of witnesses have been supplied.

9. With reference to your para. No. 12, you must feel that the statements to which it refers, however correct, are, from their nature, little susceptible of direct proof; but we may point to the different manner in which Act IV. cases are decided by the deputy magistrate of Kurreempore in that part of his jurisdiction which is attached to Nuddea, as compared with his mode of action in similar cases arising in the part of his district attached to Moorshedabad, a difference we can only ascribe to the influence of the superior officers in the two districts.

10. We beg to express our entire concurrence with what is stated in para. 13, as to the legal effect of Regulation V. of 1830 being a matter for the decision of the civil courts alone; but must beg leave to remind you that the very origin of our complaints has been the departure of Government from this principle, when the Lieutenant Governor authoritatively placed his own construction on this Act, and declared, in what we believe to be direct opposition to its spirit and letter, that ryots were under it entitled to claim release from their engagements, and informed "all ryots" that they were at liberty to sow or not as they pleased in future seasons.

As already stated, proofs of our various statements are being afforded to the Commissioner of Rajshahye, and, as that officer will no doubt fully report to Government all that comes before him, we will not trouble you with a recapitulation of the facts which go to prove the statement made in the ninth paragraph of our last letter, that if the present state of things was allowed to continue much longer, our managers and European assistants would be unable to remain with safety in the indigo concerns. You remark that no public officer has yet reported to Government anything which at all warrants such a description, and in this fact we believe you will find, on full investigation of the matter, proof of what we said on a former occasion as to the apparent disinclination of some of the district officers to report the actual state of matters.

We will only briefly refer to a case, the particulars of which have reached us while writing to you, where Mr. Logan, while escorting some of our Bansbarreah indigo to the ghaut at Lallpore, was stopped by the tehsildar of one of the Pooteah rajahs, who gave the order to his followers to assault him. Ten chests of our indigo were actually stopped, and it was only under the protection of a guard furnished by Mr. Metcalfe, and consisting of one halvidar, two naiks, and ten privates, that the last of the Bansbarreah indigo was escorted to Lallpore.

With the assaults upon Mr. Phillips, upon our gomashta, and ameen at Bansbarreah, and with the burning of two of our bungalows, Government are already acquainted, and we will only refer for the details of these and other cases to the investigation now being held by the Commissioner of Rajshahye.

P.S. 6th December.—Since writing the above we have received information that about fifty ryots, former cultivators for the Shikarpore concern, have just come in and settled their accounts, and have filed petitions in the magistrate's court, stating that they have done so voluntarily, and that the only cause of their having repudiated their contracts with the factory was that they understood the Government proclamation as prohibiting the cultivation of indigo; but that now learning that this was not the case, they were ready to sow, and praying to be protected against the evil-disposed ryots who still adhered to the combination.

(No. 6857.)

From *W. S. Seton-Karr, Esq.*, Officiating Secretary to the Government of Bengal, to Messrs. *Jardine, Skinner & Co.*, Managing Agents of Messrs. *Robert Watson & Co.*

Gentlemen,

Fort William, 28th December 1860.

I AM directed by the Lieutenant Governor of Bengal to acknowledge the receipt of your letter dated the 5th instant, and to remark on such points as seem to require reply at present.

2. It does not seem necessary to enter upon any further discussion on the more general subjects noticed in your present letter and the previous correspondence. The evidence taken by the Indigo Commission and the report of that body are open to all who may desire to know the causes of the present state of feeling; and the position of all parties concerned, as well as the proper course of action for district officers in case of disputes arising, have been laid down unmistakeably by the highest authority.

3. The Lieutenant Governor much regrets to learn that you think you have had reason to complain of delay in the disposal, under Act IV., of cases of dispossession in the districts of Nuddea and Pubna. It has been his earnest wish to afford, to the utmost possible extent, sufficient officers for the prompt disposal of such cases in all districts where there were signs of pressure; and whilst extra officers have been appointed in all such districts for that purpose in anticipation, in no instance as yet has he found himself unable to comply immediately with any requisition made for more officers in consequence of a larger income of suits than was expected.

4. Besides the officers at each of the eight sub-divisions in those districts, he has already taken means for supplying four extra deputy magistrates and deputy collectors in the former, and three in the latter district. Many of the existing moonsiffs have been vested with powers to decide rent cases. Three additional moonsiffs and two extra appellate courts have further been appointed for the districts of Rajshahye, including Pubna, of Nuddea, and of Jessore; and the local authorities have been directed to expedite the disposal of all cases arising out of the present peculiar state of things, and to apply for extra agency in case of pressure for any particular class of cases to any necessary extent.

5. The Lieutenant Governor has thus done all that it seemed to him possible for Government to do to obviate any ground of complaint such as you have now made. He can form no conclusion as to how far any public officer may be responsible for any delay that may have occurred until he receives a report which he has called for on the subject, the result of which shall be duly communicated to you.

6. In regard to your remark inferring the mis-government of the country, because you are, as a matter of course, referred to the step of taking legal proceedings for the preservation of what you claim as your undoubted and unquestionable rights and property (or more property of possession), the Lieutenant Governor thinks it probable that, on examination, the cases in question will be found not to be parallel to the case put in your letter by way of example, and to warrant a charge against the police who cannot act except in cases of unlawful violence.

7. But the local officers will be called upon to report upon the character of the cases in question; and from their reports it will be known whether the charge of mis-government in this instance is or is not well founded. Should the result prove remedial measures to be necessary, the Lieutenant Governor will spare no exertion to have such measures carried out.

8. Cases under Act IV. are purely judicial in their nature, the appeal lying from the magisterial officer to the judge of the zillah wherein the disputed property lies. The influence of the two superior officers to which you impute an alleged difference of manner in the decision of Act IV. cases by the sub-divisional officer of Kurreempore must therefore be the influence of the judge of the

Nuddea Zillah and of the judge of the Moorshedabad Zillah. It is possible that one judge has adopted one legal principle, and the other judge another legal principle, and, until the point is settled, the lower court may be bound to two different principles in different geographical limits. But if this be so, the case will be peculiar, and perhaps there is some mistake in the matter. A report as to the fact will be asked for from the local officers.

9. In conclusion, the Lieutenant Governor desires me again to assure you of his earnest desire to see the rupture between planter and ryot healed in a manner beneficial to both parties, and of his firm intention, while treating all parties with equal justice, to afford every legitimate aid to the planters in their present difficulty. Where any breach of law is committed, the necessity of prompt and decisive action has been pointed out to the district officers, and there is no reason to believe that there has been remissness on their part in this respect. And in matters not cognizable by the law, where the relations between planters and the surrounding population are in an unpleasant state, irrespectively of the rupture upon the indigo question, the Commissioners and the superior district officers have been instructed to use all their legitimate influence to bring about a better state of social feeling. These officers are now travelling about their divisions and districts expressly with this object, amongst others; and, there is reason to believe, with good effect.

But we deem it right to declare our apprehension, that unless some important concessions are at once made by the planters to the ryots in several districts, nothing short of actual force would induce the ryots to sow. In such places if an attempt were made by the planters to perpetuate by compulsion the present system, the ryots would, in their present temper, meet force by force, and serious disturbances would result. Or if in virtue of previous contracts the ryots were even legally coerced to sow, still a contest would arise that must seriously damage the interests of the planters. In either case we believe that judicious concession will be the best policy for the planter to adopt towards the ryot.

10. But it is to be feared, that where indigo cultivation is pressed, no friendly attempts to allay mutual irritation, by whomsoever made, can have any good fruit, unless where the planter fully and frankly adopts the recommendation of the Indigo Commission by the offer of fair and satisfactory terms. On this point, the passage noted in the margin, of the Minute signed by Mr. Temple, and by Mr. Fergusson, the able representative of the planting interest in the late Indigo Commission, seems to the Lieutenant Governor to deserve the special attention of planters generally.

I have, &c.

(signed) *W. S. Seton-Karr*,
Officiating Secretary to the Government of Bengal.

(No. 6858.)

EXTRACT (paras. 3 to 8) of the above, together with extract (paras. 7 and 9) of the letter to which it is a reply, forwarded to Mr. A. Pigou, judge of Moorsheadabad, with a request that he will submit a report on the points noticed in paras. 7 and 8 of this letter.

(No. 6859.)

EXTRACT (paras 3 to 8) of the above, together with extract (paras. 7 and 9) of the letter to which it is a reply, forwarded to Mr. C. P. Hobhouse, additional judge of Nuddea, with a request that he will submit a report on the points noticed in paras. 7 and 8 of this letter.

(signed) *W. S. Seton-Karr*,
Officiating Secretary to the Government of Bengal.

28 December 1860.

From *W. S. Seton-Karr, Esq.*, Officiating Secretary to the Government of Bengal, to *E. H. Lushington, Esq.*, Officiating Commissioner of the Nuddea Division, (No. 36 A), dated 5 January 1861.

Sir,

IN continuation of my endorsement (No. 5551), dated the 17th October last, I am directed to forward to you copy of a further representation from Messrs. Watson & Co., and of the reply given thereto.

2. You will observe that Messrs. Watson & Co. complain of delay in the disposal, under Act IV., of cases of dispossession of what they call their Nijjote lands in the district of Nuddea. You will have the goodness to call on the magisterial officers to report as to whether there has been any delay with them in the trial of Messrs. Watson & Co.'s cases, and if so, to state how long the cases were delayed, and for what reason. You will also have the goodness to report on the other points of complaint made by Messrs. Watson & Co. You are requested especially to inquire and report as to the general nature of the cases of dispossession adverted to in their 7th para. The inquiry should chiefly be on the following points:—When Messrs. Watson & Co. were dispossessed, how had possession been held, and where were their servants who ought to have kept possession at the time; and what, if anything, did such servants do to prevent being dispossessed; and by what means was possession assumed, if it was assumed against the will of the servants, who ought to have retained possession?

If unlawful violence was used to dispossess, inquiry should be made as to whether those who used it were criminally prosecuted, and with what result. Messrs. Watson & Co. seem to argue as though such had been the general character of the case.

From *W. S. Seton-Karr, Esq.*, Officiating Secretary to the Government of Bengal, to *H. M. Reid, Esq.*, Commissioner of the Rajshahye Division (No. 37 A), dated 5 January 1861.

Sir,

IN continuation of my endorsement (No. 5552), dated the 17th October last, I am directed to forward to you copy of a further representation from Messrs. Watson & Co., and of the reply given thereto.

2. You will observe that Messrs. Watson & Co. complain of delay in the disposal, under Act IV., of cases of dispossession of what they call their Nijjote lands in the district of Pubna. You will have the goodness to call on the magisterial officers to report as to whether there has been any delay with them in the trial of Messrs. Watson & Co.'s cases, and if so, to state how long the cases were delayed, and for what reason. You will also have the goodness to report on the other points of complaint made by Messrs. Watson & Co. You are requested especially to inquire and report as to the general nature of the cases of dispossession adverted to in their 7th para. The inquiry should chiefly be on the following points:—When Messrs. Watson & Co. were dispossessed; how had possession been held; and where were their servants, who ought to have kept possession at the time; and what, if anything, did such servants do to prevent being dispossessed; and by what means was possession assumed, if it was assumed against the will of the servants, who ought to have retained possession?

If unlawful violence was used to dispossess, inquiry should be made as to whether those who used it were criminally prosecuted, and with what result. Messrs. Watson & Co. seem to argue as though such had been the general character of the cases.

(Judicial.—No. 6944.)

From *Rivers Thompson*, Esq., Junior Secretary to the Government of Bengal, to *W. S. Seton-Karr*, Esq., c. s., President; *R. Temple*, Esq., c. s.; *W. F. Fergusson*, Esq.; the Rev. *J. Sale*; *Baboo Chunder Mohun Chatterjee*, Members of the Indigo Commission.

Gentlemen,

Fort William, 19 December 1860.

I AM directed by the Lieutenant Governor of Bengal to inform you that, immediately upon the receipt of the report, dated the 27th of August last, of your Commission, as appointed under Act XI. of this year, such action as it seemed necessary to take at once, was in communication with his Excellency the Governor General of India in Council, taken without delay. A notification was published for the purpose of tranquillising the minds of the ryots in those districts where they were in a state of excitement and alarm, by assuring them that it was not the intention of Government to re-enact or continue Act XI. of this year, by explaining the true position of all parties, and by announcing the intention of Government to do equal justice, and to afford equal protection to all, and to put down every attempt to resort to unlawful violence on either side. At the same time the strength of the judicial and executive officers in the excited tracts was increased to the necessary extent, and a sufficient police force was dispatched thereto to preserve the peace under any probable circumstances.

2. These measures being taken, the Lieutenant Governor purposely delayed replying to the report, and formally dissolving your Commission until he should have time to master the whole of the valuable body of evidence taken, and to record his opinions at full length on the many important questions treated by you. Those opinions have now been recorded in a Minute, of which a copy is appended for your information. The whole of the papers have been laid before his Excellency the Governor General in Council.

3. Pending any further orders that may be issued on the subject by his Excellency in Council, the Lieutenant Governor desires me now to convey to you his cordial acknowledgments of the labour you have given to the important work intrusted to you, and of the excellent manner in which that work has been completed. The promptitude with which your scheme of operations was organized, and the completion of the ample record of evidence taken by you within three months after your appointment, enabled the Government to place your report in the hands of the public before the autumn sowing season commenced. The harmonious action of the several members of your body, purposely constituted as it was of gentlemen who would naturally look at the question before them from different points of view, has added weight to the result of your deliberations. The Lieutenant Governor, in his Minute above noticed, has placed on record his high opinion of the manner in which you have conducted your inquiries, and reported to Government your conclusions upon this extensive and long-controverted subject. He has observed that, at a moment of passionate excitement, the careful impartiality with which you conducted your inquiries was admitted on all sides. And though every one will form his own judgment as to the conclusions arrived at, and recommendations made by you, the cautious, temperate, and kindly manner in which you have framed your report will be acknowledged by all. In formally dissolving the committee, the Lieutenant Governor directs me to convey to each one and all of the gentlemen who constituted it the above expression of his sentiments.

I have, &c.

(signed) *Rivers Thompson*,

Junior Secretary to the Government of Bengal.

(No. 1, of 1861.—Government of Bengal.)

(Judicial.)

Special.

WITH advertence to para. 7 of judicial narrative, No. 63 of 1860, herewith is forwarded, for the information of the Right Honourable the Secretary of State, copy of a letter from the officiating commissioner of the Nuddea division, reporting the observations made by him during his cold weather tour, relative to the state of feeling of the population in those parts of his division where the indigo excitement prevailed.

Mr. Lushington's tour appears to have had good results, and his report is satisfactory.

W. S. Seton-Karr,
Officiating Secretary to the Government
of Bengal.

Fort William, 3 January 1861.

(No. 342 Ct.)

From *E. H. Lushington*, Esq., Officiating Commissioner of the Nuddea Division to the Officiating Secretary to the Government of Bengal, Fort William, dated Shikarpore, 28 December 1860.

Sir,

IN reply to your letter, No. 6427, I have the honour to submit the following report of my tour in the Nuddea district up to the 24th instant, and to state that the reports of the magistrates of the division will be duly forwarded as soon as they are received. Had I waited for them beyond the present time my report could not have been with the Lieutenant Governor by the appointed date.

2. I left Allipore on the 19th November, and after going round by Baraset, followed the line of railway from Baraset to Kooshtea. From Kooshtea I travelled through the concerns of Meerpore and Parsetolie to Shikarpore, the property of Messrs. Jardine Skinner, from the immediate neighbourhood of which I date this report. I chose this route, first, because it passed through many of the largest factories in the Nuddea district; secondly, because it afforded me the opportunity of inspecting suitable sites for the head quarters of sub-divisions under the new arrangements; and thirdly, because I could see the several railway feeders under construction on both sides of the line of railway.

3. My camp was halted at every place on the line of march which appeared to offer favourable advantages for making myself acquainted with the state of feeling of all classes of people; all persons were freely admitted to my presence, and I also sought to collect information by visiting the villages at a distance, and entering into conversation with any intelligent person chance threw in my way.

4. I propose to record the results of the information I have thus collected under three separate heads:

- I. The combination of ryots generally to refuse payment of their lawful rents.
- II. The alleged hostility of natives to Europeans, and to the introduction of European capital and enterprise.
- III. The feelings of the natives with respect to the future cultivation of indigo.

5. On the first point, I would respectfully observe that this charge of a general determination to resist the payment of rents is grossly exaggerated. Out of all the native zemindars I saw between Baraset and Kooshtea, I only heard from one of any difficulty with regard to rents this year beyond other years, and his difficulties arose, as I subsequently discovered, by his insisting on the payment of unlawful demands.

6. So far as my present knowledge extends, the combination appears to have been confined to the ryots on the indigo planters' estates. In Messrs. Hills, Kenney's, and the Bengal Indigo Company's concerns, the balances rose at one time to a very large amount, and the proprietors were compelled to draw on their own resources to meet the demands of the Government revenue. Possibly under another line of policy than that adopted by some of the concerns, matters would not have come to such a pass. In Mr. Kenny's concern, for instance, the manager never went near his cutcherry for two months, while Mr. Larmour, of the Bengal Indigo Company, refrained from instituting suits, lest he should put himself in an unfavourable position with the ryots to offer advances for indigo.

7. In reporting on this subject, I would beg to observe, that though there are doubtless some ryots in the above-named concerns, and also in other parts of the country, who have taken advantage of the times to withhold their rents, in the hope of evading payments altogether, and some, too, who have been made the tool of evil designing persons for their own advantage, and such instances will always be found when any great movement, or reform is in progress; still I am fully convinced that the great mass of recusant ryots was not affected by any such fraudulent object. The men were both ready and willing to pay, but they withheld payment from fear of their being called upon to take indigo advances at the same time. Proof is not wanting to support this statement. In some instances, ryots have gone back from the factory with their rents in their hands, rather than agree to take advances for indigo; on other occasions, they have offered their rents to the collector in a body; and more than once several have shown me the money ready for this purpose, adding that all they wanted was some security that they would be subject to no annoyance on account of indigo when they paid it in. I have not met a single ryot who did not repudiate the idea of appropriating his landlord's rents, and on one occasion, when I spoke to a large body of ryots on the subject, 700 paid up in the next 24 hours. Had these men really intended to act dishonestly, I doubt whether a few words from me would have led them to change their minds so quickly. This plan of personally addressing the ryots, and more particularly noticing the conduct of the head men of the villages withholding payment, appears to have been so successful in all the places I have tried it, that rents are coming in steadily from many parts of the country, which were reported not to have paid a pice a short time ago, and if the planters will confine their demands to rents alone, I anticipate that they will be fully realised.

8. With regard to the second question, viz., the alleged hostility of natives to Europeans, and to the introduction of European enterprise and capital, I would first remark, that in a district like Kishnaghur, independent testimony to any extent on this point is not procurable. Besides the indigo planters, there are no Europeans connected with the natives in their daily employments, except the railway officials, and the majority of these gentlemen, from their short residence in the country, are incompetent to form any just opinion on the subject. But so far as I have been able to collect particulars, I believe the assertion of this hostility as a general fact is unworthy of credit. I have spoken to many ryots on the subject of the railway, and they have all replied in strong terms of the advantages they were reaping from its construction. They had no complaint whatever to make against the European agents employed in carrying out the work. Some of these gentlemen informed me that they could get as many labourers as they chose; others certainly told a different story; but I am much disposed to believe that their difficulties were not occasioned by the ryots, but by the sub-contractors, who, knowing the work must be done, stand out for high rates, and have sufficient influence to keep back workmen until those terms are complied with. Again, on our new Ferry Fund feeders, where the work is conducted by the Ferry Fund engineer, without any interference on the part of the magistrate to secure labour, labourers can be got in any number, though they are paid at a less rate than those on the railway.

9. The above facts appear sufficient to show that there is not a general feeling of hostility against all Europeans, and I venture to assert that the charge is not true, even as regards all those Europeans who are connected with indigo.

10. Several of the most influential planters have informed me, that even in the height of the excitement, the ryots were as respectful as they had ever known them.

them. That they were not so to every planter and in every factory is a lamentable fact; but their misbehaviour may, in many instances, be justly described to the treatment they had long been subject. Where a planter had been oppressive or overbearing, or where his servants had long exercised uncontrolled a course of petty tyranny and plunder, there the ryots took advantage of their position, and sought in their turn, wrongfully I admit, but not unnaturally, to annoy and worry the planter, and all connected with their former oppression, by such means as they had at their disposal. The Lieutenant Governor is aware of the attention of the local authorities having been lately particularly drawn to such cases on the part of the ryots against planters and their factory servants; and I have only to regret that it has been hitherto too much the practice among the planters to refrain from bringing them to notice, because they could get no evidence to support them. On such occasions, it is the duty of the local authorities to procure evidence, and the very fact of such offences being passed over in silence, only embolden those who are concerned in them to commit them more frequently.

11. In regard to the third point, viz., the feeling of the people with reference to the cultivation of indigo, they would appear to understand their position regarding it thoroughly, but whether they will cultivate it or not, will depend not only on the extent of remuneration the planter proposes to give them, but also on the degree of confidence they may have that those promises will be fulfilled. "It will be of little use," as they have more than once told me, "for the planter to offer additional rates of payment if they are to be made a mere matter of paper transfer as heretofore; we must wait for a time to see the results, before we can listen to any proposals for engagements." Other ryots again appear to have been satisfied with the terms, and advances have already been taken to some extent in three or four concerns in different parts of Kishnaghur, Pubna, and Jessore. Of course, the only interference which Government can exercise in such matters is to prevent any unlawful means being exercised by either party to stop persons exercising their full and free choice in the matter.

I have, &c.
(signed) *E. H. Lushington*,
Officiating Commissioner.

EAST INDIA (INDIGO COMMISSION).

SUPPLEMENTAL PAPERS

RELATING TO

INDIGO CULTIVATION.

(*Sir Arthur Beller.*)

*Ordered, by The House of Commons, to be Printed,
8 March 1861.*

72—III.

Under 4 oz.

EAST INDIA (CULTIVATION OF INDIGO).

RETURN to an Order of the Honourable The House of Commons,
dated 15 April 1861 ;—for,

“ COPY of DESPATCH from the Secretary of State for *India* in Council to the Governor General of *India* in Council in the Judicial Department, No. 63, dated the 8th day of April 1861, on the subject of the CULTIVATION of INDIGO in the Districts of the Lower Provinces of Bengal.”

India Office, }
15 April 1861. }

J. A. F. HAWKINS,
Secretary, Judicial and Legislative Department.

(Judicial—No. 63.)

To his Excellency the Right Honourable the Governor General of India in Council.

My Lord,

India Office, London, 8 April 1861.

1. YOUR several letters noted in the margin,* on various matters connected with the cultivation of indigo in the districts of the Lower Provinces of Bengal, together with your Lordship's letter, No. 3, dated 29th December last, transmitting the Minute of the Lieutenant Governor of Bengal, dated 17th idem, on the Report of the Indigo Commission, have been considered by me in Council.

| | |
|---------------|---------------|
| No. 67, dated | 5 Sept. 1860 |
| No. 73 | 29 Sept. 1860 |
| No. 79 | 6 Oct. 1860 |
| No. 93 | 7 Nov. 1860 |
| No. 94 | 7 Nov. 1860 |
| No. 100 | 27 Nov. 1860 |
| No. 103 | 27 Nov. 1860 |
| No. 113 | 28 Dec. 1860 |
| No. 5 | 10 Jan. 1861 |

2. The labours of the Commissioners† appointed under the provisions of Act XI. of 1860, have extended over some very important fields of inquiry. The Commissioners have brought together a large and valuable mass of evidence on many points connected with the social condition of the peasantry of the indigo districts in Bengal; and they have very properly given prominent attention to the relation existing between the planter and the ryot, and to the elucidation of that which is, in fact, the gist of the whole question, namely, whether the cultivation of indigo, as recently carried on in Bengal, is profitable or unprofitable to the ryot, and therefore free or forced.

3. I entirely concur with the Commissioners, with the Lieutenant Governor of Bengal, and with your Lordship, that the evidence taken before the Commission, including that of the planter himself, is conclusive as to the fact that the cultivation was unprofitable to the ryot, who was required to furnish the plant at a price which, with the extra charges to which he was subjected, did not reimburse him for the cost of production.

4. The unwillingness of the ryots to cultivate indigo was the natural consequence of the unprofitableness of the cultivation. The testimony to the compulsory character of the system, as it recently prevailed in Bengal, is abundant throughout the Minutes of Evidence which follow the Report of the Commissioners. And it is not surprising that, when once the ryots were made aware that they could not legally be compelled to undertake this cultivation, they should have expressed their resolution to abandon it, and to turn their lands to more profitable account.

5. There is nothing in the volume comprising the proceedings of the Commission which more painfully shows the evils of the indigo system, as carried on in Bengal,

† Mr. Seton Karr, c. s.; Mr. R. Temple, c. s.; Rev. J. Sale; Baboo Chunder Mohun Chatterjee; Mr. W. F. Fergusson.

Bengal, than the evidence contained in them of the oppression practised upon the ryots, and the amount of violence and crime to which it has given rise. That many of the planters are kind and considerate in their treatment of the people, and have exerted themselves to repress the prevalence of such practices, will readily be admitted. It is in evidence, however, that kidnapping, confining, and removing ryots from place to place were offences of no uncommon occurrence, and that up to a very recent date, indeed within the last few months, cases of the kind have been reported by the local Government.

* "When matters come to this, that the assistance or support of the police can be purchased like any other article, it is quite clear that the advantage will remain with the party who has the freest hand and the fullest purse; and it is surely not contended that in this respect the planter is at a disadvantage with the ryot, or lies at his mercy."

† 650, 853-859, 931, 1001, 1006, 1339, 1754.

6. It has been alleged that the want of a good police, and a more perfect administration of justice, has been greatly to the prejudice of the planters' interests. But whatever may have been the inefficiency of the police and of the Mofussil Courts, the remark of the Commissioners at paragraph 112 of their Report, as given in the margin,* is fully borne out by the evidence taken before them.†

7. On a careful consideration of the evidence which accompanies the Report of the Commissioners, I cannot avoid the conclusion arrived at by your Lordship, that the ryot has been left too long in ignorance of the protection which he might claim against the proceedings of any planter who had bound him by unreal obligations, and who had enforced them by unlawful means; and further, that the ryot has not been adequately defended against the native servants of the factories by the Government and its officers.

8. I have further to express my entire concurrence in the opinions expressed by your Lordship, and by the President in Council, that the conduct of the Bengal Government, and of its officers generally, in the transactions under consideration, has been marked by a strictly impartial administration of the law; and that the Lieutenant Governor was justly entitled to the full and cordial support afforded to him by your Lordship in Council.

9. Of the several measures which have been suggested for placing the relations between planter and ryot on a more satisfactory footing, I agree with your Lordship and the Lieutenant Governor as to the inexpediency of appointing special district indigo officers or Commissioners.

10. As to other measures, the majority of the Commissioners object to any law rendering a breach of an indigo contract on the part of a ryot a criminal act punishable by the magistrate, and the Lieutenant Governor concurs with them. Your Lordship would also deprecate any special legislation in behalf of any particular interest; but you suggest the question whether the law which renders cognisable by the magistrate fraudulent breaches of contracts for service, of contracts with artificers and labourers, or of contracts for public works, might not beneficially be extended to contracts for the delivery of any agricultural produce, where the breach of contract was fraudulent, and where advances had been accepted.

† 2442, 2615, 2616, 3694, 3781.

11. There is evidence on record,† given by men of intelligence and experience, to show that, if fairly treated, the ryot will readily act up to his agreement, and that, in regard to indigo, it is the unprofitableness of the contract which has led to evasion on the part of the ryot. A striking instance of what may be done by good management and fair treatment of the people, is given at paragraph 59 of the Lieutenant Governor's Minute.

12. Again, the experience afforded by the operation of the law of last year (Act XI. of 1860), for the summary enforcement of indigo contracts, shows the danger of transferring to the criminal functionaries, matters which more properly belong to the jurisdiction of the civil courts. Hundreds of ryots were thrown into gaol for wilful breaches of contract, under circumstances which, considered in the light of the proceedings of the local Government, and of the reports of some very able officers in the indigo districts, are calculated to lead to the presumption that not a little injustice has been done, in consequence of some magisterial officers not fully inquiring into matters urged on behalf of the alleged defaulter, which would have been fully investigated in a civil court, and which, if proved, would have been a complete answer to the case for the prosecution.

13. The

13. The true remedy in such cases is not to be found in a resort to legislative measures, which, by making the ryot criminally punishable for the breach of a civil contract, may operate unfairly towards any other creditors who may have claims upon him. It is rather to be found in dealing fairly by him, and in making him feel that a violation or evasion of his contract will involve the loss of what is advantageous to himself. I do not, therefore, consider that any sufficient reason has been shown for applying to the Legislature to enact laws for the summary enforcement, by the criminal courts, of contracts for the delivery of agricultural produce.

14. As to a law for the registration of indigo contracts, the majority of the Commissioners have given their reasons against such a measure at paragraphs 181 and 182 of their Report; these reasons appear to me deserving of mature consideration. It may further be observed that there is nothing to be found in the past practice or legislation of India in support of such a system of registration. The Government has very properly held out every inducement towards the registration of deeds for the transfer of property and other important documents, and it is open to parties to register any deeds whatever. It is desirable to afford every facility to persons wishing to register contracts or other documents; but it appears to me that much more general inquiry is necessary before an Act can be passed rendering imperative the registration of contracts for the cultivation of indigo by some thousands of ryots. The attendance of the ryot at the Registry Office, or of some one in his behalf, will be necessary, if the registration is to have any force in the courts of justice. To procure the attendance of the ryots must devolve on the factory servants, who are not to be trusted, and in whose hands, it is to be feared, registrations might become very much what confessions have heretofore been in the hands of the police. As at present informed, I concur very much in the views of Lord Macaulay,* when the subject was discussed by the Indian Law Commission in 1835; but I leave the question in your hands for further consideration and inquiry.

* "The plan of rendering invalid all contracts for the delivery of indigo which are not registered seems to me highly objectionable. It would either be useless or in the highest degree vexatious. If the present mode of registration should continue, the proceeding would be a mockery. If, on the other hand, the registration is to be made really efficient, the business would be absolutely interminable."

15. It is satisfactory to find that, in the opinion of the Lieutenant Governor, only about 14 per cent. of the supply of indigo from India is in any jeopardy, owing to the refusal of the Bengal ryots to continue the cultivation at existing rates.

16. I deeply sympathise with the planters in the difficult position in which a false system has placed them, and, with your Lordship, I should greatly regret any general break down of the indigo trade of Bengal; but, as has been repeatedly shown, the remedy lies with the planter, and not in changes of the law. The interference, on the part of Government, should be confined, in the words of one of the witnesses,† "to providing good magistrates, good judges, and good police, who shall see justice done to all, and leave no room for oppression on the one part, or fraud on the other." If to these be added an effective procedure to regulate the proceedings of the courts of justice, so as to obviate all unnecessary delay in the disposal of the cases brought before them, the Government will have done all that it can be fairly called upon to do.

17. A code of procedure has been enacted, of which the Lieutenant Governor speaks, on the authority of the native judges, in terms of the highest praise. The police is now under process of reorganization, on a system recommended, after the fullest inquiry, by a Commission composed of the most experienced officers at the disposal of your Government; and subdivisional magistrates and local courts of justice are being multiplied in the indigo districts. These measures being carried into effect, disputes between the planter and the ryot must be adjusted, not by a resort to laws of a special character or for temporary occasions, but by a prompt and vigorous application of those which already exist for the guidance of the civil and criminal courts in the ordinary administration of justice.

18. I observe that, in providing for the crisis through which some of the indigo districts have recently passed, the Lieutenant Governor has occasionally invested moonsiffs with the powers of deputy collectors, to try cases under Act X. of 1859 for the collection of rents. I am of opinion that, as soon as circum-

4 **DESPATCH :—CULTIVATION OF INDIGO IN BENGAL.**

stances will permit, those powers should be withdrawn, and the moonsiffs be confined to their ordinary judicial duties, which, under the new code of civil procedure, can be properly discharged only by a punctual attention to the rules prescribed for the prompt disposal of cases, and for obviating the unnecessary detention of parties and their witnesses.

19. I have to express my approval of the replies given by you to the applications of Messrs. Hills & Co., Messrs. Watson & Co., and Mr. Cockburn, submitted with the letters under acknowledgment; and also of the manner in which the Lieutenant Governor has disposed of the several matters of detail reported in them.

20. The very efficient manner in which the Commissioners appointed under Act XI. of 1860 have discharged the important duties entrusted to them, entitles them to the cordial acknowledgment of the Government.

21. The appointment of honorary magistrates has formed the subject of a separate Despatch.*

I have, &c.
(signed) *C. Wood.*

* Judicial Despatch, No. 56, dated 16 March 1861.

EAST INDIA (CULTIVATION OF INDIGO).

COPY of Despatch from the Secretary of State for India in Council to the Governor General of India in Council in the Judicial Department, No. 68, dated 8 April 1861, on the Subject of the CULTIVATION of Indigo in the Districts of the Lower Provinces of Bengal.

(Mr. Layard.)

*Ordered, by The House of Commons, to be Printed,
15 April 1861.*

160.

Under 1 oz.

EAST INDIA (INDIGO CONTRACTS).

RETURN to an Address of the Honourable The House of Commons,
dated 16 May 1861 ;—for,

A “ COPY of the MEMORIAL of the Landowners and Commercial Association
of *British India* to the Secretary of State for *India*, in answer to the Minute
of the Lieutenant Governor of *Bengal* on INDIGO CONTRACTS, and the Answer
thereto.”

India Office, }
24 May 1861. }

J. HAWKINS,
Secretary, Judicial Department.

(*Mr. William Ewart.*)

Ordered, by The House of Commons, to be Printed,
28 May 1861.

COPY of the MEMORIAL of the Landholders and Commercial Association of *British India* to the Secretary of State for *India*, in answer to the Minute of the Lieutenant Governor of *Bengal* on INDIGO CONTRACTS, and the Answer thereto.

MEMORIAL of the Landholders and Commercial Association of *British India*.

To the Right Honourable Sir *Charles Wood*, Bart., G.C.B., Her Majesty's Secretary of State for India.

Sir,

THE Journals of the House of Commons show that the Government is about to make public a mass of official papers connected with the wide-spread combination against the fulfilment of indigo contracts and the payment of rents, which now exists in Bengal.*

Those papers, so far as we can judge from the returns promised by Government, will consist almost entirely of the writings of those Indian officials, to whom the indigo manufacturers think they have reason to attribute their unmerited sufferings. They observe, with great anxiety, that while the bulk of these State papers will contain voluminous reports and evidence proceeding from Commissioners who were chosen by the Lieutenant Governor of Bengal, and also many elaborate statements by the Lieutenant Governor himself, nothing will appear on the planters' side but some short petitions and some curt remonstrances.

Sir, it is not from such materials that the causes and the nature of the very grave events now taking place in Bengal can be truly learnt, either by Her Majesty's Government or by the House of Commons.

I have been directed, therefore, by "The Landholders and Commercial Association of British India," of which I have the honour to be Chairman, to ask your attention to the following statement, which is submitted to you by their authority and on their behalf.

If the officers of the Indian Government had supplied you, sir, with a complete transcript of all the official papers connected with this disaster, the magnitude of the mass would, perhaps, have rendered their careful examination hopeless. Even the writings of the Lieutenant Governor might weary in their entirety, and might not always receive that verification, which, on so important a matter, is specially required.

We esteem it fortunate, therefore, that the Lieutenant Governor has thrown his whole strength into one Despatch. He has supplemented the report of his own commission by a very elaborate Minute, in which he has fortified what he thought weak, discarded what he thought too moderate, omitted what he thought adverse, and has placed his own conduct and the planters' delinquencies in the point of view in which he would desire them to be regarded by the Government and Parliament of this country.

To this Minute, therefore, in itself of no mean volume, we are constrained by the exigencies of time and space to limit our reply.

In

* For the extent to which this combination has now extended, even to the seizure both of the private demesne lands round the dwelling-houses of the factory owners, and of those lands which constitute the private cultivation of the planters, we beg to refer to Appendix (A.) appended to this memorial.

In order to understand the subject of which the Lieutenant Governor's Minute treats, it is necessary to premise a short chronological summary of the events which form the subject of our complaints, and of the Lieutenant Governor's recriminations. We will attempt as briefly as possible to epitomise the transactions.

Order of events.

CHRONOLOGICAL EPITOME.

September 1858.—The arrangements for the indigo crop were made in the ordinary way; the ryots coming forward to take the usual advances, and making the usual contracts, to sow from one-sixteenth to one-twentieth of their villages, once during the year's croppings, with indigo. (*Vide India Report*, para. 79.)

July 1859.—The indigo crop partially failed. The rice crops on the contrary were very good, and there was a loss both to the planter and to the ryot upon the indigo.

September 1859.—The arrangements for the indigo crop of 1860 were made upon higher terms on account of the increase in the price of labour, and the rise in the price of rice. The planters paid higher rates for coolies, carts, &c., during the indigo harvest of 1859. Leases of lands were continued at very moderate rents, in consideration of the renewal of the indigo contracts, and every exertion was made to ease off the loss which had occurred on the last season's indigo. Although the depression in value of this produce was believed to be but temporary, the planters were prepared to make concessions, but were prevented from so doing by the action of the Government. Hoping that it would prove a crisis analogous to that in which English landlords returned 10 *l.* per cent. at their audits, but avoided any permanent reduction of rents, the indigo planters were ready notwithstanding to make permanent concessions.

May 1859.—The Honourable F. J. Halliday, now Sir F. J. Halliday, K.C.B., the Lieutenant Governor of Bengal, under whose rule the relations between the indigo planter and the ryots had always been cordial and profitable to both parties, retired from India. He was succeeded by the Honourable Mr. John Peter Grant. Of this gentleman little was at that time known by the planters, except that he had no practical acquaintance with the indigo system, had never been in the indigo districts, had had no intercourse with either ryots or planters, and was unacquainted with the Bengalee language.

At the same date the Honourable Ashley Eden was magistrate and collector of Barraset, a station 19 miles distant from Calcutta. Mr. Eden held supreme authority within this district, which included very large areas of indigo plantation. In former days, Mr. Eden, as, in his evidence before the Indigo Commission, he states and deplores,* had been favourable to the cultivation of indigo, and also to the British settlers around him; but it unfortunately happened that when Mr. Ashley Eden came to Barraset, he was strongly opposed to indigo planting, and to his countrymen as settlers.

Mr. Eden's hostility to the planters.

20th August 1859.—On this date, the Honourable Ashley Eden, having previously been in conflict with the planters in his zillah,† and having received the support

* Answer of Mr. Eden to Question 3602 (Evidence before Indigo Commission): "As a young assistant, I confess I have favoured my own countrymen in several instances."

† The official correspondence is far too voluminous to be produced here. It seems, however, to have commenced in Sir F. J. Halliday's time by the following letter from E. Prestwich, Esq., to the Honourable F. J. Halliday, Lieutenant Governor of Bengal (No. 320, dated the 2d February 1859):—

"Sir,—With reference to the interview I had the honour to have with you on Thursday last, I beg to hand you a statement of the facts I mentioned on that occasion:

"1. I am the proprietor of the Hobra indigo concern in zillah Barraset, and largely interested in the several concerns belonging to the Bengal Indigo Company, as also in indigo concerns in zillahs Arrah, Tirhoot, and Jessore.

"2. Mr. Eden, the present magistrate of zillah Barraset, has expressed his determination in the most hostile manner (through the medium of the "Field" newspaper, of which it is notorious he is the Mofussil editor, as also generally to every person with whom he comes in contact) to entirely do away with indigo cultivation within the district of Barraset, stating that in the course of two years no indigo shall be sown in that district.

"3. In consequence of Mr. Eden's expressed and well-known hostility to the cultivation of indigo,

Order of events.

support of the Lieutenant Governor against the Commissioner, issued the following instruction to his native deputy magistrate, quoting from the letter from the Bengal Government, which upheld his former proceedings. This instruction was immediately turned into a proclamation in the native language, and was posted over the district:—

“From the Honourable *Ashley Eden*, Magistrate at Barraset, to Baboo *Hemchunder Ker*, Deputy Magistrate, Kalawah Subdivision.

“Sir,

“As the cultivation of indigo is carried on to a considerable extent in your subdivision, I beg to forward for your information and guidance, extracts from a letter, No. 4516, dated 21st July 1859, from the Secretary to the Government of Bengal to the Commissioner of the Nuddea Division.

“You will perceive that the course laid down for the police in indigo disputes is to protect the ryot in the possession of his lands, on which he is at liberty to sow any crop he likes, without any interference on the part of the planter or any one else. The planter is not at liberty, under pretext of the ryots having promised to sow indigo for him, to enter forcibly upon the land of the ryot. Such promises can only be produced against the ryot in the Civil Court, and the magisterial authorities have nothing to do with them, for there must be two parties to a promise; and it is possible that the ryots, whose promises or contracts are admitted, may still have many irresistible pleas to avoid the consequence the planter insists upon.”

This was Mr. Eden's final act before he left the district.

This proclamation was generally disseminated among a population who had been already paid for the work they were thus invited not to perform, who at the moment were discontented with the event of the preceding harvest, and who had all a Bengalee's reliance upon the omnipotence of every Government official. It passed over the land as a general cancellation of all debts and obligations, and was interpreted even to extend to the repudiation of rents.

In

indigo, the ryots of Chowrassee and Ookrah pergunnahs in the Hobra concern have entered into a combination not to come in and settle their accounts for the past season, or to enter into any arrangement to clear off the money they are indebted to me.

“4. In order to ensure the good working of the Hobra concern, I took an ezarah of Chowrassee pergunnah, on which I pay an annual yearly loss of 6,000 rupees. Every possible indulgence has been shown towards the ryots. I have never attempted to increase the collections in any way, and have borne with this loss that the ryots should have every encouragement to act fairly by the concern. They now, being assured that the magistrate will support them, refuse to sow indigo as heretofore.

“5. On representations made to me last season by Mr. Eden, that Mr. Hampton permitted the servants of Hobra to act unfairly towards the ryots, I removed Mr. Hampton from charge of the concern, and also discharged the old servants, Mr. Eden assuring me I had only to do so to make the ryots exceedingly well disposed towards the concern, and promising me every encouragement and assistance.

“6. I now discover that I have been completely misled, and that Mr. Eden's determination to uproot indigo cultivation is the real cause of my present difficulties; and where a magistrate of a district does not hesitate to express publicly his hostility to indigo, it is quite impossible for me to expect assistance or justice from him, and my position has been made doubly difficult by my having a new manager, assistant, and servants.

“7. I have invested a large amount of capital in the Hobra concern. I have this year provided indigo seed at a very great cost, and when investing my capital in district Barraset, I did so in full confidence that I should receive every fair assistance and encouragement, and not be ruined by an officer of Government, who is determined to carry out his expressed theory as to what is best for the good of the country, viz., the entire cessation of indigo cultivation to be superseded by cotton.

“8. Mr. Eden makes a pretence that his private feelings do not affect his official acts, and do not influence his amlah, the police, and the ryots of the district. Any person at all acquainted with the influence a magistrate exercises in the Mofussil must know that he has only to raise his finger to put up the ryots to rebel against the factory, and ryots generally are only too glad of any excuse to avoid paying their just debts.

“9. In the many other indigo concerns in which I am interested, no difficulty like the present exists. It is only in Barraset, and with a magistrate so biassed and prejudiced; and if Mr. Eden's present policy is to be pursued by him and adopted by other magistrates, it must certainly result in my ruin, as well as that of all men who have brought capital to the country for investment in indigo.”

In his previous letters of the 1st February 1858, and 17th March 1858 Order of events. (Selection from Records, No. 23, part 1, pp. 164 and 167), Mr. Eden had written: "I am quite aware what a troublesome set the Mussulman ryots are about there;" and in the second letter, "If I had, as he says, patted the ryots on the back, he knows very well that they would not have sowed one beegah of indigo." This proclamation was the "patting the ryots on the back," hinted at nearly two years before; and the result justified Mr. Eden's estimation of the character of the Mussulman ryots, and his boast of his power for evil.

14th October 1859.—The manager of the Jingergatchia indigo concern, on behalf of the planters, brought to the notice of the Commissioners the dangerous effects of this proclamation, and Messrs. Grote, Reid, and Drummond, experienced civilians, who thoroughly understood the indigo districts and the people, unanimously condemned the act of the Honourable Ashley Eden, in writing the letter to the deputy magistrate, on which the latter founded his proclamation, as well as the proclamation itself. The Honourable Ashley Eden was desired by the Lieutenant Governor to explain his conduct in the matter. He showed that the proclamation by the deputy magistrate was issued after he had left the district. On this ground, he was acquitted of the responsibility attached to the publication of the said proclamation, but his mode of making his subordinate acquainted with the views of the Government was not approved of; though, on the whole, the Lieutenant Governor was "thoroughly satisfied" with his explanation. The mischief was done, the blame being due, without doubt, far more to the Lieutenant Governor and to Mr. Eden, than to the unfortunate native subordinate.

February 1860.—The new Lieutenant Governor made a tour in the indigo districts. His Honor had previously stated that "he had never had any experience in the indigo districts, and he was very ignorant on the subject." The Lieutenant Governor has since explained* that he did not go into the indigo districts upon this occasion to make any survey of them, and that beyond occasional casual conversation about the expectations as to the crops, he took no note of the subject. Of course this was so. But it unfortunately happened that his presence had the effect of inducing the ryots to believe that he was there to confirm the proclamation, and on his return the Lieutenant Governor wrote a public letter, dated 7th April 1860, in which he stated, that "on the whole he was thoroughly satisfied" with Mr. Eden's explanation of his conduct in the matter of the proclamation. This was eight months after the proclamation had been issued.

April 1860.—There was a general strike in Mr. Eden's district of Baraset.

April 1860.—The Legislative Council having passed a temporary Act for the enforcement of indigo contracts, the Lieutenant Governor appointed magistrates to work that Act.

April 1860.—The Lieutenant Governor issued a letter of instructions to the magistrates, questioning the policy of the Act, and instructing them how far, and in what way, they were to put it in execution.

19th April 1860.—The Lieutenant Governor, in a Despatch to the Commissioner, rebuked Mr. Herschell, one of the new magistrates, for having given effect to the books of the planters, and the evidence of the factory servants, as proof of indigo advances.

23d May 1860.—Mr. Herschell having subsequently, in obedience to this rebuke, refused to give effect to the proof afforded by the factory books and the factory servants, the Lieutenant Governor circulated that decision as a pattern decision to the other magistrates.

The Lieutenant Governor removed magistrates who did not follow the pattern decision.

Mr. Eden was successively appointed to several posts of conspicuous rank and importance.

July 1860.—The state of the Mofussil had now become one of entire confusion.

* This explanation is given in his Honor's "Minute upon the Planters' Petition," dated 22 August 1860, para. 12.

Order of events.

sion. The debtors were not content with repudiating their debts and contracts, but they even combined to drive their creditors and employers out of the country, and thus to get rid of all European competition in the provinces, to retain the property they had seized, and to cancel all debts and obligations due to Europeans.

This state of affairs may be best described in the words of the Lieutenant Governor's instructions of a few months later date. These instructions say: "Strong representations have been made to the Lieutenant Governor that the planters in some parts of the country are, at this moment, labouring under difficulties of a peculiar kind. In some places they complain that they cannot collect their rents, and dare not send their servants into the villages; in others that the factory servants dare not show themselves anywhere for fear of insult; and in others, that lands belonging to the factory are seized by the ryots."

26th July 1860.—"The Planters' Petition" was presented to the Governor General of India against the proceedings of the Lieutenant Governor of Bengal.

17th August 1860.—The Lieutenant Governor published a Minute, in answer to that petition, wherein he accused the planters of using forged contracts, and adduced the failure to discover this, in one instance which he names, as the reason for his removal of Mr. Betts, one of the magistrates.

13th October 1860.—The planters obtain from the records of the court the contract which was cited as the base of this accusation. The planters show that it is incontestably a genuine and valid contract.

The Report of the Indigo Commission, dated 27th August 1860, reaches England.

The Lieutenant Governor's Minute, dated 17th December 1860, upon that report, is received in England.

THE INDIGO COMMISSION.

The Indigo Commission.

As the Minute of the Lieutenant Governor, to which this memorial is offered as an answer, does not afford any direct information as to the document upon which that Minute is based, it is necessary to premise the leading facts.

The members of the Commission were all chosen by the Lieutenant Governor of Bengal.

They consisted of:

1. Mr. Seton Karr, the Secretary to the Lieutenant Governor.
2. Mr. Temple, a civilian, versed in official business, and the secretary to the late Mr. Wilson, the Indian Finance Minister.
3. Mr. Fergusson, a merchant in Calcutta, having great experience in the commerce and manufacture of indigo.
4. The Rev. Mr. Sale, a missionary.
5. Baboo C. M. Chatterjee, a native, who has held several subordinate offices under the Government of Bengal.

The result of the labours of this Commission is a folio volume of more than 1,000 closely printed pages.

The report which the Lieutenant Governor in his Minute assumes to be the report of the Commission was drawn up by Mr. Seton Karr, Secretary to the Lieutenant Governor.

It was assented to only by the Rev. Mr. Sale, and Baboo C. M. Chatterjee.

It was in all its important parts dissented from by Mr. Temple, the secretary to the Indian Finance Minister, and now the energetic member of the Finance Commission of India.

The reports and protest of the Indigo Commission.

It was protested against, *in toto*, by Mr. Fergusson, for the reason that "The language and tone tend to give a colouring, and to lead to conclusions not proved from the facts." *

Mr.

* Indigo Commission Blue Book, p. lvi.

Mr. Temple, the civilian, and Mr. Fergusson, the merchant, joined in a separate report.

The report of Mr. Seton Karr acquits the planters of every specific charge made against them, but makes general remarks adverse to their system of business.

The report of Messrs. Temple and Fergusson dissents from these general remarks.

The report of Mr. Grant's secretary is against the request of the planters for small contract courts in the rural districts.

The report of Messrs. Temple and Fergusson is in favour of the registration of indigo contracts, and the establishment of courts to administer speedy justice in all disputes concerning debts and contracts, and of the deputation of special commissioners to bring about an amicable adjustment of the difficulties which had arisen between the planter and ryot.

Such, in a few words, is the substance of the two reports, and the protest to which the Lieutenant Governor of Bengal has supplemented the Minute, with which we have hereafter to deal. The Lieutenant Governor's Minute.

In this Minute the Lieutenant Governor intensifies all that Mr. Seton Karr has in his report said against the planters; condemns, when even Mr. Karr acquits; and disapproves, even of the timid suggestions which are made for affording them protection.

The Lieutenant Governor repudiates all the suggestions of Mr. Temple, as to the propriety of the establishment of small contract courts, and almost censures, as too moderate, the tone against which Mr. Fergusson had protested as unwarranted.

We have been compelled to answer this document, because, sir, you and the Parliament would probably expect to find in it an impartial discussion of the points of difference between the members of the Commission.

It is not this; it is rather a bitter attack upon the great interest which now claims of you audience and justice.

The Lieutenant Governor's Minute places the case before the Home Government as a prosecuting case against the planters. It is thus divested of all the facts which form the groundwork of the petitions which the planters have presented against the Lieutenant Governor, and of all considerations of the present unhappy state of the country under his rule. Being incriminated, he ignores the accusations, and appears as an accuser. Being responsible for the condition of the vast territory he rules, and being accused by the confusion which has arisen during his short term of government, he assumes that he is irreproachable. Passing over those facts in silence, the Lieutenant Governor pens this Minute, to show that the planters are the authors of the disturbances which, as we submit, are the natural and inevitable consequences of his own acts. General purport.

The merchants and manufacturers whom I represent, venture to suggest to you, sir, that however dexterous this course of proceeding may be, in a controversial point of view, it is scarcely consistent with the candour and fairness which we look for in a great officer of state, accounting to his superiors for grave disturbances. We submit, also, that it is impossible that you and the Parliament can arrive at any satisfactory conclusion from an official document, which takes so partial and fragmental a view of this case.

We, however, who are suffering the destruction of our most important interests, who have been the victims, and who are now by this dexterity put in the position of the accused, have no choice but to accept the issue proposed to us. Instead of inquiring whether the Lieutenant Governor was justified, when he interfered to annul our lawful contracts, when he dictated the decisions of the magistrates, when he removed the magistrates who did not decide according to his impressions of the merits of particular cases, when he remitted the penalties imposed upon the ringleaders of the bands of intimidators, and when he was publicly declaring his sympathy with the proceedings of Mr. Eden; by the skilful course adopted by the Lieutenant Governor, and so well seconded by his friends in England, instead of making this the object of your inquiry, you are now driven to pass judgment upon stock and crop valuations of Indian farms, and to decide as to the prices at which, under ever varying circumstances, a particular article of culture can be profitably produced. The Lieutenant Governor* says: "This indeed is the one point upon which the whole indigo question turns," and the whole Minute is but an effort to make this the only issue. Sir, we protest against this Unfair acts of controversy.

doctrine as one under which no manufacture, no commerce, no industry can live. If indigo, and silk, and tea, and cotton, are to be grown under the condition that the officials in Calcutta shall understand every process, shall from their desks approve the terms of every bargain, shall calculate whether or not the manufacture is a profit or loss, and whether it is their proper policy to encourage or destroy it, and shall, according to their impressions, confirm or annul the contracts; then India must return to what it was under the monopoly of the Company, and all hope for the development of her great resources must be abandoned.

With this necessary introduction, sir, with this protest, we submit ourselves to the test which the Lieutenant Governor has demanded, and we proceed to the examination of the Minute upon which the Honourable J. P. Grant rests the defence of those acts of Government which have had their consequence in the existing convulsion.

THE LIEUTENANT GOVERNOR'S MINUTE.

General Observations.

Tone of the document.

IN the first place, sir, they, whom I represent, think they have a right to complain of the general tone of this public document. Accustomed as they are to a supercilious tone from those who have so long been the ruling caste in India,* they must deprecate the introduction of this same style into official papers, which are intended to prejudice them in the eyes of their countrymen. In Bengal, under the present despotic rule of the Calcutta Secretariat, it is sufficient to assume a convenient fact, and the Lieutenant Governor has, even in the present transactions, not thought it inconsistent with the practice of his class to cast, without a plausible excuse, imputations even of such crimes as murder and forgery among the body of the planters.† In India, people know that this is done in the mere wantonness of power, and in the consciousness of an absence of responsibility and impossibility of redress. In England, however, we are accustomed to place reliance upon statements we see under the hands of persons of official station.

Assumption of important facts without proof.

‡ Para. 10.

§ Para. 14.

In this document, almost everything which we emphatically deny is peremptorily assumed without proof or discussion. In one place the Lieutenant Governor speaks ‡ of the ryots as bearing the planters' "voke." In another, he assumes that the indigo system of 50 years ago is substantially the same as it was last year, the fact being that the price now given for indigo plant is 300 per cent. more than it was, and in other respects, "the system" does not at all resemble what it was 20 years ago. Once we find it quietly assumed that § specific performance can be decreed in all suitable cases, and civil suits are decided with all practicable despatch, || which phrase, if intended to convey an assertion that the civil suits are available for indigo contracts, is contradicted by every witness in the great volume before him, and emphatically contradicted by Dr. Duff, one of the Lieutenant Governor's own witnesses, whose testimony we shall hereafter cite.

¶ Para. 32.

The Lieutenant Governor assumes everything. He assumes ¶ "that the fact of indigo cultivation being unprofitable to the ryot is not disputed," and that the indigo crop is intensely disliked. He assumes that even all the accusations, which have been proved to be fables, are quite true, although, with sarcastic italics, he admits that there is no "proved" instance of those gross oppressions. Lastly, he assumes that "no human power" could have done better than he has done, and that justice and policy are altogether on his side, for that "a system** of coercion has now only at last broken down." All these assumptions are, how-

** Para. 18.

ever,

* The Colonization Committee of the House of Commons intimate in their Report that the civilians assume to be the nobility of India.

† What the Lieutenant Governor's "secret and confidential" assertions to the home Government are, we do not know; but at a recent interview, a deputation of our body were informed that Mr. Grant has seen proper to tell you that the planters are in the habit of forging contracts to support indigo claims. After the signal exposure made in India of the falsehood of this charge, this was a very strong experiment even in a secret Despatch. We immediately asked for a public inquiry into its assertions. We have received no answer to this application.

|| See the dates of a civil suit for rent (*post*), whence it will be seen that it takes from three to six months to recover two rupees of rent, which in England would be recovered by distress in three days.

ever, the very points in dispute; we are therefore compelled to protest against this Minute, as Mr. Fergusson, one of the Indigo Commissioners, protested against the report of the majority of the Commission upon which the minute is written, "because the language and tone tend to give a colouring, and to lead to conclusions not proved from the facts."

Assumptions
without proof.

We would point out to you, sir, that throughout the whole of this Minute, Mr. Grant calls upon you, and upon those others who may read it, not for an intelligent examination, but for a blind and implicit faith. No fact is ever stated fully, so that you may judge of it, but the single point, which he considers damaging to the planters, is exhibited in a strong light, and all the rest is carefully kept in darkness.

We would instance, as an example of this habit of assuming the matter in dispute, paragraph 10 of Mr. Grant's Minute, of the 23d November 1860, in which he endeavours to answer the charge of having, without colourable cause, accused the body of planters of forging contracts, and adducing them in evidence. No reader can draw from this paragraph any idea whatever of the transactions to which cautious allusion is thus made, or of the reasons for or against the genuineness of the document impugned. No one could comprehend from the Lieutenant Governor's statement that the document, when with great difficulty the Indigo Planters' Association had obtained a sight of it, appeared beyond all question to be a genuine document, containing nothing irregular except a clerical error, which the whole body of the contract showed demonstratively to be a clerical error in the date, and nothing more. Mr. Grant in this paragraph evades this fact, which he cannot deny, and instead of frankly apologizing for a most unwarrantable and groundless aspersion upon a body of men, whose personal honour had never, until this occasion, been sullied by the breath of slander, he dismisses the point with an insinuation that "a great many new stamps were sold about that time."

We must entreat you, sir, and those into whose hands this memorial may fall, to remember this circumstance, and to sympathize with Englishmen who are smarting under such an insult.

Once more, sir, we cannot in justice to ourselves, and to you, pass away from this topic without citing an instance of the character of the Lieutenant Governor's Minutes, which we think must startle you. It is not a general incrimination of a class: it is a direct sacrifice of the personal character of a private gentleman. The case is this:—

The Lieutenant Governor has had a difference of opinion with the Governor General and other authorities in India, as to the propriety of appointing the European and native gentlemen in the Mofussil honorary magistrates. During the mutinies, these powers of honorary magistracy had been pressed upon the planters, and had been exercised with great success, but as soon as the danger was over, the commissions were withdrawn with a suddenness, which, in the eyes of the natives, looked like studied insult.

The Lieutenant Governor's Minute; honorary magistrates. Unwarranted aspersion upon private character.

Mr. Grant being ordered by the Governor General to restore this system, refused, and wrote a minute against it.

This is a matter in which the planters take no interest whatever. They care nothing about the question.

Mr. Grant, however, when he wrote a Minute against it, thought it necessary to remark, that "worked as it was, the native public were much discontented with the experiment. The evidence taken before the Indigo Commission is certainly unfavourable to the actual system adopted in 1857."

In verification of this statement, the Lieutenant Governor appends a note, citing at length the following accusations made by certain natives against Mr. Larmour, while acting in his character of honorary magistrate. We here copy the Lieutenant Governor's note, consisting, as it will be seen, of an extract from the evidence taken before the Indigo Commission.

Ameer Mullick, 1038. "Besides, Mr. Larmour had the power of an assistant magistrate, so I thought it useless to complain."

Jinat Mullick, 1045. "I am the son of Ameer Mullick. In the month of Bhadro 1264, Bengalee year, Mr. Larmour's people laid hold of me, and took me to Hilsamari factory, and told me to sow indigo. I refused to do so, as I had neither ploughs nor bullocks. Hearing this, Mr. Larmour's people were going to present a petition against me, when my brother, Jalal Mullick went and presented a petition at Kishnaghur, which was sent to Mr. Larmour for report. Shortly afterwards, Mr. Larmour became honorary magistrate.

They kept me confined for three or four months at Katgarra; and when I got away, I thought it was no use complaining, as Mr. Larmour was then an honorary magistrate."

Unfounded aspersions upon private character.

Jalal Mullick, 3202. "I had a quarrel with Mr. Larmour because he was always sending people to tell me to sow indigo. I presented a petition to the magistrate of Kishnaghur, who referred it to Mr. Larmour, and nothing came of it. The sahib measured our lands, and demanded increased rents. We refused. I came to Kishnaghur and saw Mr. Larmour himself, who handed me over to the magistrate, and on inquiry into my means of livelihood they found I was of good character, so I got off. After that, Mr. Larmour complained against me for assaulting people, and preventing his people from going into the village. This proved unfounded by the darogah's report. After this, Mr. Larmour sent for me to Hilsamari factory, and kept me some time, and in the meantime my house was knocked to pieces. I never complained of this. What I have to say is, that whereas I have been represented as a harbourer of thieves, and as having run away at the end of 1856, I have been always to be found since then, and a petition was presented against me on or about August or September 1857, showing that I was at home then."

This is all the evidence quoted. We ask you, sir, whether any stronger imputation could be made upon the honour of an English gentleman, than that which this State paper is thus made to convey.

Now, sir, we beg to lay before you that part of the evidence taken before the Indigo Commission in relation to this charge, which is not cited by the Lieutenant Governor.*

The denial omitted by the Lieutenant General.

Q. 2115. Mr. Fergusson.] At an early part of our proceedings, there were three men who represented themselves to be gantidars of Goaltolli, and who complained of your proceedings. Do you wish to offer any explanation regarding their statement?—*A.* In the Katgharra concern, belonging to the Bengal Indigo Company, there is a large Putni named Dehee Holda. On this putnee there was a yearly heavy loss, owing to the gantidars having absorbed the Khass ryots; that is, the ryots who paid direct to the zemindar, and having absorbed the lands belonging to their jummas. Attempts had been made by several managers of the Katgharra concern to induce the Gantidars to disgorge the Khass lands, of which they had taken possession, but it was difficult to do so, unless these lands could be measured and pointed out. In 1855, a man named Mohes Chunder Mittra, a resident of Goaltolli, came forward and agreed to point out these Khass lands. A short time after his undertaking to do so, he was murdered. On my taking the management of the Katgharra concern, I endeavoured to settle ryots in these villages, but on offering leases to ryots, they refused to accept of them, because the lands said to be contained in the leases were not forthcoming. I then decided on having a measurement of the villages. When I began the measurement, the Gantidars and their agents turned out and drove my people from the villages, threatening they would serve my agents as had been done to Mohesh Chundra Mittra. I applied to the police for protection to carry out my measurement; the gantidars came forward, and were present during the measurement. When the measurement was completed, they were called upon to come forward, compare accounts, and restore to me all the Khass lands which they had appropriated. Instead of doing so, they absconded from the village. As to the witness Bheni Madub Mittra, who stated in his evidence that he was dispossessed of his ganti, and his wife and family were driven away from the village, neither he nor his wife, nor family have been in Gaoltolli village for the past 12 years. The same may be said of Muddum Mohun Bose, and Chunder Nath Sircar, another of the witnesses, who absconded from the village, as I have stated, on the measurement being completed.

2119. Did none of the three ever complain to you at Mulnath or elsewhere?—No; I have had no complaints from them, and have always been under the impression that they would have sooner or later come forward and made an arrangement that would have been fair both to them and to me.

2122. Did you find, on measurement, that they had absorbed much of the Khass lands?—Yes, to a considerable extent. Their policy had been to get rid of the Khass ryots out of the village, and absorb their jummas within their own.

2123. How did you manage to identify and recover the Khass lands?—After getting the protection of the police, head ryots of the villages came forward and pointed out the Khass lands; this was in 1857.

2127. *Baboo Chunder Mohun Chatterjee.]* When you measured and took possession of those Gantis, were you then vested with the powers of an honorary magistrate in your division?—No; I was not invested with the powers of an honorary magistrate until six months after the measurement.

2128. When you commenced collecting rents, were you then vested with magisterial powers?—Yes.

2129. *Mr. Fergusson.]* Are you willing to settle with the Gantidars on fair terms, if they would.

* Evidence of R. T. Larmour, Esq., 28 June 1860.—Page 127, Blue Book (Indigo Commission).

would agree to the measurement?—I should only be too happy to do so; and out of all the zemindarries I have measured and settled throughout the Bengal Indigo Company's concerns, it has only been with these three or four people that I have had any difference.

2130. And had the difference with them anything to do with indigo?—*No connexion whatever with Indigo.*

2134. *Ameer Mullick*, of Khampore, was examined here on the 2d June. Have you read his evidence as to your people having knocked down and plundered his house; and do you wish to give any explanation thereon?—Shortly after assuming the management of Katgharra concern, numerous petitions were presented to me at Mulnath, from the ryots of Bhurra Khampore village, complaining to the effect that Ameer Mullick had collected a number of dacoits,* and settled them adjoining his own house. Two of these petitions appeared to me exceedingly truthful, stating that Ameer Mullick's gang had hitherto committed robberies at a distance, but of late that he had robbed the houses of the ryots at Bhurra Khampore. *These petitions were forwarded by me to the magistrate of Nuddea, with a request that he would institute an inquiry into what was stated in these petitions.* He ordered the police to make a local investigation, and at the time they went to Bhurra Khampore to carry out this investigation a robbery had been committed at Kote Chandpore in the zillah of Jessore. The police of Jessore traced the property to Bhurra Khampore, where 12 of the gang were seized, and four of them were convicted and sentenced to five years' imprisonment, by the late judge of Jessore, now President of this Commission. From the time of the seizure of this gang, Ameer Mullick, with his family, absconded from Bhurra Khampore, and did not return there again except on the sly. My people had nothing whatever to do with the destruction of his house; it being left uninhabited, very soon went to rack and ruin; and I believe there was not a ryot in the village, owing to what they had suffered from him and his gang, but was glad to have a pull at the straw and bamboos belonging to his house.

Unfounded aspersions upon private character.

The explanation omitted by the Lieut. Governor.

We ask of you, sir, to refer to the Lieutenant Governor's Minute upon the honorary magistrates, and then to the pages of the evidence which we have cited, and judge whether we have not reason to complain of the Lieutenant Governor.

These, sir, are the preliminary remarks we have thought it necessary to make as to the general tenor of this official paper. We come now to deal with its principal substantive allegations.

THE PROFITS OF INDIGO CULTURE.

We think it better to discuss at once the point which the Lieutenant Governor has chosen as that whereon to rest his case with the English public; it is this: The Lieutenant Governor of Bengal asserts that "Indigo cultivation is unprofitable to the ryot." He assumes that this is not disputed. He says, "That it is the one point upon which the whole indigo question turns." He repeats, "I conceive the whole matter to rest on the price of the plant." Up and down the Minute the same assertion is confidently repeated, until the reader grows so accustomed to it, that it sinks into his mind as an undisputed truth.†

Profits of indigo culture.

Para. 32.

Para. 50.

The obvious answer to this, would be to quote Lord Macaulay's Minute upon this very question, which was to the effect, that the profit and loss upon any contract is a matter with which Government has nothing whatever to do. When, in the year 1835, the same school of persistent enemies to European interlopers tried this ancient artifice upon Lord Macaulay, they evidently repeated to him all their general stories of planter's oppressions, of which the planters were then, and have been since, distinctly acquitted. Lord Macaulay has, for the sake of argument, accepted some portions of their stories, and still refuses to admit that

* A dacoit is a robber by violence; a burglar.

† He goes further in the Appendix to the Minute, and attempts to show that it is unprofitable to the English planter, where the planter grows it by his own servants on his own lands. As this would appear to be a little beyond the scope even of the Lieutenant Governor's argument, we must mention the explanatory fact that the ryots have in very many instances seized forcibly upon these lands, and have torn up the indigo, and, driving away the planter and his servants, have sown them with their own seed. It is just as if the labourers in a rural parish were to seize upon the squire's park, and plough it up, and sow it with oats. When the planters called for assistance against the outrage and violence, they were referred to the civil courts. The Lieutenant Governor probably wishes to show that it was a mercy to the planter to prevent his growing this "unprofitable crop;" at any rate there is no other very obvious reason why the Lieutenant Governor should go into such a calculation.

that Lieutenant Governors of Bengal have a right to interfere to annul indigo contracts.*

Although we cite with great satisfaction this Minute of Lord Macaulay, against Mr.

* Lord Macaulay's Minute runs:—"The Government have asked whether the Commissioners think that there would be any advantage in declaring invalid all contracts for indigo which shall be for a term longer than one year. I should greatly disapprove of such a measure. It would evidently be opposed to a great general rule, and it is not made out to my satisfaction, that the circumstances of this particular case form any exception to that general rule.

"The general rule is this, that grown men, not idiots or insane, should be suffered to make such contracts as are not injurious to others, and as appear to them to be beneficial to themselves. To say that the ryots of this country are mere children, and ought to be specially protected, is, I conceive, quite incorrect. They are not intellectually inferior to the peasantry of other countries. They are as well acquainted as we are with the difference between an anna and a rupee, or between a month and a year. They are suffered to make the most important contracts, and nobody proposes to deprive them of this power, except when indigo is in question. They marry, they govern their families; they are treated by our courts of justice as persons capable of comprehending the nature and consequences of their acts. If they are not so, if they are not able to judge for themselves in matters which concern only themselves, better than the Government can judge for them, they will require protection, not in this particular case alone, but in 10,000 other cases. I conclude, therefore, that there is nothing in the intellectual state of the ryot which renders it proper that contracts freely made by him should be set aside.

"But it is said these contracts are not freely made. Force and deception are employed. The peasant assents to disadvantageous terms for fear of bludgeon men, or is tricked into signing some paper which he does not understand. I answer that, in all such cases, there ought to be a remedy. The law, I apprehend, would even now reach these oppressive and fraudulent practices. If not, the law ought to be altered. In every case of coercion or of deception, the contract should be set aside, and the tyrannical or dishonest capitalist should be punished with exemplary severity. But what is now proposed is, that we should attack not the evil, but a circumstance in itself wholly indifferent; not tyranny or dishonesty, but a certain term arbitrarily fixed upon, not unfair contracts but long contracts. The sound rule is this: if a ryot has been intimidated or duped into making an agreement for a month, a day, or an hour, cancel the agreement, and punish the wrong doer. But if, unterrified and undeceived, he has made a contract for two or three seasons, enforce it. A Government cannot be wrong in punishing fraud and force, but it is almost certain to be wrong, if, abandoning its legitimate functions, it tells private individuals that it knows their business better than they know it themselves, and is resolved to serve them in their own despite.

"The proposition now under consideration, belongs to a class of propositions which cannot be regarded with too much suspicion. If there be any one political truth proved by a vast mass of experience, it is this, that the interference of legislators for the purpose of protecting men of sound mind against the inconveniences which may arise from their own miscalculations, or from the natural state of the markets, is certain to produce infinitely more evil than it can avert. It was no doubt a humane feeling which dictated usury laws, laws against forestalling and regrating, laws for raising the wages of labour, laws for lowering the price of commodities, laws for limiting the number of hours during which adults should work, and many other laws of the same kind. But the invariable effect of such laws has been to injure society, and to injure more especially that portion of society which the Government humanely wished to protect. The needy man who could have borrowed at 10 per cent., when cursed with the compassionate aid of the lawgiver, is forced to pay 15 per cent. That which would have been scarcity, if prices had been regulated by the avarice of the corn dealer, becomes a famine when the prices are regulated by the benevolence of the Government. The measure which we are now considering, is a measure of this kind. A ryot consents to bind himself to deliver a certain commodity to the capitalist during several successive seasons. If he has been terrified or deluded into making this agreement, the agreement is of course null. But if he has not been terrified or deluded, on what principle are we to refuse him permission to bring his only commodity, his labour, to market in his own way, and to dispose of it on such terms as in the state of the market are the best which he can obtain?

"If we cannot prevent the indigo planter from oppressing and cheating the ryot, this restriction will evidently be a mere nullity. If we can prevent the planter from oppressing and cheating, then no ryot will make a long contract without what he thinks a *quid pro quo*. And I conceive that a ryot is infinitely a better judge of which is, or which is not, a *quid pro quo*, in such a case, than any Government, even the most enlightened, can possibly be.

"I therefore object to this provision, and to all other provisions of the same kind which have been suggested.

"On the whole, I am not satisfied that any peculiar system of law is required for the indigo districts. I believe the evils which exist in those districts differ little, either in kind or in degree, from those which may be found in almost every part of our Indian Empire. There is a bad judicial system. There is a bad police. There is a people, accustomed for ages to be plundered and trampled upon, and ready to cringe before every resolute and energetic oppressor. The system of dacoity, and the system of thuggee, are more malignant evils of the same family. They are evils which never could exist to the extent in which they exist here, in a country where the tribunals and the police were efficient, or in a country peopled by a manly and high-spirited race. To come nearer to the case which we are now considering, we have no reason to believe that the conduct of the zemindars is in any respect better than that of the indigo planters; I suspect that it is commonly worse. I have no doubt that Government can do very much to remove these evils. When a good system of law and police is established, when justice is administered cheaply and purely, when idle technicalities and unreasonable rules of evidence no longer obstruct the search after truth, a great change for the better may be expected to take place. This is all that we can do directly. But by doing this, we shall indirectly produce a great effect on the national character. The people of India will learn to place confidence in the administration of justice; they will find that they can safely

Mr. Grant, although that Minute is a direct censure upon all Mr. Grant's socialist theories, and although Mr. Grant is at issue with Lord Macaulay upon every point, yet we dare not rest upon the ground which Lord Macaulay takes up; to do so would be to fall into a fatal snare. The Lieutenant Governor of Bengal cannot be ignorant that it is only the traditions of a despotic bureaucracy which can justify the doctrine that a ruler may interfere to destroy any commercial system which he does not approve. But the Lieutenant Governor of Bengal also knows, that if he can induce the people of England to believe that the system of indigo planting is one of necessary loss to the ryot, there will be a disposition to say, "The Lieutenant Governor is a benevolent man; his ways were rather crooked, to be sure; his interference with the magistrates seems anything but proper, but, after all, he meant well. If it really was an unprofitable trade which he destroyed, there was not much harm done."

Lord Macaulay's Minute.

It is consistent with experience, that men should argue thus loosely upon the destruction of property in which they have no interest, and upon questions of which they cannot have any intimate knowledge. They may not stop to remember, that if benevolence were the motive of the Lieutenant Governor's conduct, he would apply his theories to his own salt and opium ryots, who, under his own control, are working upon a system of advances and forced labour, universally condemned. The Lieutenant Governor's English readers may not have patience to read the evidence which proves that this hostility to the European settler is but the traditional policy of the Company and of the Bengal Secretariat, which inherits, or rather continues, the spirit of exclusiveness, which was the ever-actuating instinct of the Company. If Mr. Grant can fix in the English mind a belief that the culture of indigo is unprofitable, he evidently thinks that the English public will turn coldly away, and leave him to pursue his policy of destruction, until he has swept his rivals out of India.

Profits of Indigo culture.

Therefore it is that we are obliged to accept this most unfair issue, and to undertake to prove that Mr. Grant's facts and figures as to the profits and losses in our business are unfair, and his deductions untrue, and that the cultivation of this plant is not only beneficial generally, but is in a very high degree pecuniarily profitable.

With an entire conviction of the truth of what we say, and with volumes of proof at hand sufficient to demonstrate it, we confess that we feel daunted at the task before us.

We have to meet the figures of a man who cannot exchange a word with one of these indigo ryots, who certainly never saw a single process of indigo cultivation and manufacture in his life, and who works out fancy calculations at his desk. We are just in the position of a farmer who should, upon the renewal of his lease, have to convince a London solicitor that all the old covenants which bind him to dead fallows are of no other use than to prevent him from being able to pay his rent. How would a British landowner like to have to prove to the minister of finance that he is justified in keeping up his rents to their present level, and to prove this by answering calculations made by a Lancashire manufacturer? How would a Manchester cottonspinner like to have to prove to an agricultural meeting that he is justified in not raising his rate of wages, and to prove that against the calculations made by a rural clergyman? How would a farmer like to meet a similar investigation as to his payments to his farm labourers, or a London tradesman as to his profits upon his wares, the calculations being always made by strangers to the subject, and the decision to be given by an uninformed audience?

Yet that is precisely our position.

If

safely stand up for their rights; they will appeal fearlessly to our courts against the tyranny of the rich and powerful.

"In a few years we shall have done, I think, what can be done by legislation. That still more important change in the character of the population, to which I look forward, must be the work of several generations. In the meantime we deceive ourselves, if we consider the evils which exist in the indigo districts in any other light than as symptoms, and by no means the worst symptoms, of a general disease, which requires a general remedy, and which it is idle to think of subduing by local applications."

Such was Lord Macaulay's opinion upon the "system" now forced into operation by the Lieutenant Governor of Bengal. We need scarcely observe that the "bludgeon men" are a dream of the past. They are no more known to this generation than are the highwaymen of Bagshot or Hounslow Heath. The "bludgeon men" were the native zemindars' retainers, and the early European settlers hired fellows of the same class to fight the zemindars, not the ryots. They are now as obsolete as the retainers of the Norman baron and the Saxon thanes. Well might Lord Macaulay adopt the hypothesis of the truth of these fables, with the incredulous introduction, "it is said!"

If our countrymen in England will insist upon judging whether our labourers are sufficiently paid, we must entreat them to submit to the drudgery of reading the following principal facts relating to our industry.

The plains of Bengal are formed of the deposit borne down by water, from remote ages, from the high mountains of Central Asia.

This land is traversed in all directions by rivers which are narrow in summer and are flooded during the rains.

The land is naturally of three kinds:

1st. The new alluvial or *chur* land, formed on the river side, or lands filled up in the interior from canals leading from the large rivers.

2d. The ridges of high land ordinarily above the inundation, and

3d. The low lands in the interior, extensive hollows in the dry weather—lakes in the rains. The soil of these lands is a strong black loam, and from them the ryot gets his heavy rice crop; the “Ammon” indigo is not grown at all on these lands.

That first enumerated is best suited for indigo, and about two-thirds of the whole indigo cultivation of Lower Bengal is on such land, which is not suitable for rice. On the second description, rice will grow and other crops, such as corn, tobacco, sugar-cane, &c., indigo being for these crops the best fallow crop. The Report of the Indigo Commission says on this point (paragraph 79): “As regards the soil actually taken up for indigo it is quite certain that low *chur* lands, which are submerged early in July, could not grow anything else but indigo as the first crop of the season. Early rice grown there, could not come to maturity before the inundation in July. On some other *chur* lands not exposed to so early a rise of the rivers, the *dous* crop of rice could no doubt be grown, but the anxiety of the ryot to grow rice is more visible in regard to high lands than to any kind of *churs*. These high lands are indeed a different subject; they are not exposed to any rise of the rivers except in remarkable seasons, and they are preferred by the ryot for rice, for reasons already specified. Yet in any concern the area of such lands taken up for indigo does not exceed one-twentieth of the whole village, or as a very extreme cultivation, one-sixteenth; and we have every reason to believe that, indigo not being itself injurious to the soil, it is decidedly advantageous that there should be a due rotation of it with other crops.”*

To you, sir, who cannot be unversed in the theory of English agriculture, we have almost already said enough to show the absolute absurdity of any calculation of profit or loss from a comparison of the value of a crop of indigo and a crop of rice.

Mr. Grant's position is, that a crop of rice produces more profit than a crop of indigo, and that therefore indigo is an unprofitable crop. He compares a heavy rice crop with a fallow indigo crop.

“It is shown,” says the Lieutenant Governor, “that the fairest comparison of the return from spring sown indigo with that from other crops is the comparison made

* The following note has been supplied by an experienced planter: “Fallow land is called *poteet*. *Poteet* prepared for the reception of a crop is called *lall zumeen*, or red land, synonymous with the term used in Scotland. This dead fallow sown in indigo will produce a fine crop at first, but experience shews that the growth of weeds and grass immediately after a shower of rain in this land is so prodigious, that indigo is soon smothered, and comes to nothing. Dead fallow, sown in rice, produces equally a fine crop at first, but as paddy must always be thoroughly weeded, the crop of weeds and grass is soon conquered, and a prime grain return is ensured. In practice, therefore, dead fallow is never sown in indigo. The ryots sow it two years successively in paddy, after which its rice producing powers are so weakened as to render it unprofitable to subject it a third season to the same crop. Its indigo producing powers, however, are in no way affected; on the contrary, from having been thoroughly weeded for two seasons, the land remains free from grass and weeds, so that in point of fact, after the cold weather, crop of linseed, wheat, rape, or pulse is removed; but little cultivation is necessary to make the soil ready for the reception of indigo, which once down, requires little weeding or other care to bring it to maturity. If, in the third year indigo were not sown in these lands, they would remain fallow, for there is no other crop which can be sown at that period of the year in Lower Bengal but rice or indigo. The above remarks apply equally to tobacco, which cannot be cultivated more than two successive seasons in the same lands with success. No doubt, at times, injudicious planters and their venal servants have attempted to secure the cultivation of indigo, otherwise than as is the practice; but the cases in which they have done so are the exception and not the rule. Against this abuse, a remedy should exist in courts of small causes in the *Mofussil*, whose power of summary redress would prove a check upon any malpractices of this nature.”

made with early rice, both of these crops being sown in the spring, and cut in the rains." (Minute. Appendix A.) The sequitur is not quite evident, one being a straw crop, and the other a fallow crop. It is a singular fact that, although the Lieutenant Governor must have met with the fact a hundred times, in turning over the evidence, and must have seen it dwelt upon even in the report of the Commission, he never once in this Minute speaks of indigo as a fallow crop.* Of course we do not suggest for a moment that he has intentionally kept out of sight so all important a fact, but we very gravely suspect that the Lieutenant Governor does not know what a fallow crop means, or that it has anything to do with a valuation of farm profits.

The first answer is, that where the ryot gets his indigo crop he could not get his rice crop; and the second answer is, that allowing for the difference in the labour and expenses of growing it, and considering that indigo is but one of two crops during the season, indigo is as profitable as rice.

This we shall have to work out. But the inconceivable boldness of Mr. Grant's assertion, that every ryot loses seven rupees per begah by the cultivation of indigo is already made clear.

The Lieutenant Governor, in his valuation, says, that the "culture of indigo is as if a farmer of Great Britain farming, under a long lease, 160 acres of land, at the rate of 2 £ an acre, were, by some sort of pressure, forced to cultivate 10 acres in flax, which he was compelled to sell to a neighbouring manufacturer at a dead loss of 140 £.

For this exceedingly violent supposition, we would crave to be allowed to substitute a much more strikingly appropriate illustration. Mr. Grant's volunteer advice upon indigo planting is as if a president of a socialist society, after long pondering in his lodgings at Norwich upon the sinfulness and folly of Norfolk landlords, and the wrongs of Norfolk farmers, were to sally forth and harangue the latter upon the folly of growing turnips. He would prove to them that turnips are a most unprofitable crop, as compared with wheat; that they only serve to feed lean beasts; that the lean beasts, when fattened, very often do not fetch much more than they cost; that in dry seasons the turnips very generally fail, and that consequently the "forced labour" of sowing turnips is a tyranny in the landlord's agent, which ought at once to be resented; that, indeed, it is the duty of

* That indigo is a good fallow crop is recognized by the ryots. Sugar-cane and tobacco, for instance, are never sown two consecutive years on the same land. If rice is sown more than two years on the same ridge lands the crop fails. Indigo is not only useful as a fallow crop, but in Jessore, and many other districts, the indigo land is the only pasture for the cattle during the hot months. In the evidence before the Indigo Commission, Q. 482, Mr. J. Cockburn, a deputy magistrate, who had been an indigo planter, says: "Tobacco is scarcely ever sown for two years successively on the same land. First, the tobacco crop is sown; after that is cut, the indigo; then the land is manured for the next year, and is sown with tobacco the season after." At Q. 743, Mr. Dombal says, "Those who sow in March or April, generally do so after reaping a crop from the land, so that it is difficult to calculate upon the exact cost of cultivation." Q. 1434. Mr. A. A. Sawers says, "I have a large quantity of land which I gave out to the ryots to sow rice on; those lands I generally give for one or two years, and then resume them, and give them other lands, with the object of making a rotation of crops." The same gentleman says, Q. 1454, "A very large portion of the rice lands at Jessore and Kishnaghur (the very centre of the present agrarian disturbances) cannot go and bear a perpetual succession of white crops. They require rest, and for this rest, indigo, being by no means an exhausting crop, may be substituted. Amier Biswas, who, be it remembered, is a ryot, deposes," Q. 1792. "I might sow early rice after tobacco, but in that case you could not sow tobacco again in the autumn;" indigo being a less exhausting crop than rice, is a good rotation crop for tobacco. In 1793, this same ryot says, "that tobacco land should be kept fallow during the spring and summer." Indigo, indeed, is the only crop which can be sown without injury to the succeeding tobacco crop. Mr. J. O. B. Saunders, says, Q. 1870, that the profitable rotation of crops where he had been located, was wheat and indigo; and in reply to Q. 1871: "Do the indigo lands require much manuring, irrigating, and generally a high state of cultivation?" he says, "No; they require nothing but irrigation and careful weeding." Again, Q. 1881, he says: "The indigo cultivation is entered into at a time when nothing else can be grown, and it produces so much cash for the cultivator's labour, which he could not otherwise gain." Mr. R. T. Larmour, says, Q. 1946: "The ryotti cultivation begins in February, after the tobacco crop has been taken off the lands." The same gentleman says, Q. 2011: "Indigo is not an exhausting crop. The crop of rice after the indigo crop, is always better than from land that had been previously sown in rice without a rotation of crops." Again, Q. 2197, he says, with reference to Amir Biswas' evidence as to keeping tobacco lands fallow, "It is not necessary to allow the land to remain entirely fallow. Indigo not being an exhausting crop, but quite the contrary, the taking a crop of indigo off the land does not injure it." This fact appears everywhere in the evidence. We might multiply extracts *ad infinitum*; but perhaps it is sufficient to have shown from the testimony of magistrates, planters, and ryots, that indigo is to wheat, rice, and tobacco, what turnips and clover in England are to barley and wheat.

of Government to interfere, and put down the growing of turnips ; and that if the Norfolk farmers were men, they would "sow what they like," and never grow anything but wheat and barley. We submit, sir, that this parallel is apt in all its points. Our socialist philosopher would only get laughed at for his pains at the market tables of Norwich. But let us suppose that, instead of being only a socialist philosopher, lifting up his voice from among the ranks of the people, he were a justice of the peace, and that instead of going to Norfolk farmers, he directed his attention to a district in Wales, where the cottagers had been accustomed to grow a mixture of oats and thistles 18 times in succession. Let us suppose, also, that these cottier tenants had lately been brought under an improving landlord of a foreign race, who insisted upon an occasional change, and offered facilities, and even advances, for the cultivation of some fallow crop, is it quite certain that even here a Rebecca might not be evoked by such an apostle of the rights of man, and should we be altogether secure that the peace of the country would remain unbroken, after the exertions of so benevolent, so positive, and so authoritative a philosopher?

The Lieutenant Governor of Bengal is fond of illustrations, and does not even disdain to adorn them with a suggested comparison between ryots, not opium or salt ryots, but indigo ryots and "Carolina slaves." We are afraid it lies within the task we have undertaken to correct the Lieutenant Governor's illustrations as well as his figures. We therefore humbly submit this, although devoid of any such flowery embellishments, for his contemplation, as more applicable to the circumstances than that 10 acres of flax which produced a dead loss of 140 l. a year.

But, as might be expected, the Lieutenant Governor's calculations of the cost of cultivating a begah of land in the Mofussil of Bengal, and the value of its produce, are as wild as his parallel between rice and indigo is unsound.

THE LOSS OF THE SEVEN RUPEES.

The loss of the seven rupees.

IN para. 32 of this Minute, the Lieutenant Governor enunciates the great discovery, which is pointed to triumphantly, both by himself and by his friends, as the one reason which in itself justifies the destruction of indigo culture (and also, as we suppose, the extinction of rents), which he is bringing about. This discovery is, that there is a difference of seven rupees a beegah between the profits of a rice crop and the loss upon an indigo crop. In after paragraphs of this Minute, he refers to this assertion as a "calculation;" and a cursory or unsuspicious reader of Mr. Grant's Minute will rise from its perusal with a conviction that he has had a State paper before him in which this result had been calculated out in figures. Upon more careful scrutiny, however, it will be seen that this paragraph contains no calculation whatever. The Lieutenant Governor says that "he does not find that the Commissioners have gone so far into this point as to settle to what degree pecuniarily the cultivation is unprofitable." This is correct. The Commissioners, with all the advantage of the personal attendance before them of planters, ryots, coolies, civilians of all degrees, and zemindars, did not feel qualified to come to any conclusion as to the average profits made in a species of cultivation, which varies not only in every district, but even in every little holding. Mr. Grant has himself, in another part of this paragraph, admitted that in the land subject to inundation his general case against indigo does not apply.* Nothing, therefore remains for the operation of Mr. Grant's calculation but the high ridges.

Mr. Seaton Karr, acting as he was under the eyes of Mr. Temple and Mr. Fergusson, could not but see the obvious impossibility of drawing any general conclusions of profit or loss, even with their facilities. It would, I submit, sir, have been more creditable to the impartiality of a Lieutenant Governor, if he had imitated this decent restraint. He, however, has, unfortunately, felt neither reluctance nor hesitation to make for himself a calculation, which is submitted to the Home Government, necessarily knowing nothing of these things, as a
ground

* The Lieutenant Governor says, that "the pressure of indigo cultivation" is not nearly so severe on "chur" land as on high land. He declines any calculation as to "chur lands," and dismisses them in this characteristic manner.

ground for action. He says, "I have gone into the mass of evidence in the Appendix to the Report to satisfy my own mind upon this point, and the result has convinced me that the loss of the ryot in the cultivation of this crop on the high lands of Nuddea and Jessore is, at the present time of agricultural high prices, greatly beyond even the general opinion on the subject. In a separate note appended to this minute I have referred to the evidence, proving this. Rejecting all extreme cases, and giving indigo the benefit of all doubts, I cannot put the absolute loss to the ryot at a low average, reckoning the net loss on the cultivation of indigo at the highest price now allowed, and the loss of the net profit the ryot would make by any other ordinary crop at the market price, at less than seven rupees a beegah, equivalent at the least to seven times the rent of the land."

The loss of the seven rupees.

Now, Sir, this is the great discovery, to announce which, this minute was written. It is the only fact which remains upon the memory after the minute has been read. The impression which the statement makes, and which it was obviously intended to make, is that every ryot who sows indigo loses seven rupees a beegah by the transaction.

It may be answered, perhaps, that such an impression would not be justified by the words of the paragraph, if carefully read. The Lieutenant Governor confines his language by the words "On the high lands of Nuddea and Jessore," and also by the other words, "At the present agricultural high prices." Under the shelter of these words, the Lieutenant Governor might readily answer those better informed critics who should complain of so deceptive an assertion being put forward in England, as that "Indigo ryots lose seven rupees a beegah by the cultivation of indigo," that his observation applied only to a small portion of the indigo fields, and that it had relation to an exceptional season, when rice was at double the price at which it has since settled. Such a reply, Sir, we are compelled to submit to you, would be only verbally true; but we are sorry to say that not only does the Lieutenant Governor make this limited statement in such a way as to convey to any English reader the impression of a general statement, but he also refers to it in after-parts of his minute, as though he had not only asserted, but proved the fact therein stated, and as though he had not only proved it of the high land in Nuddea and Jessore, but of the whole of the indigo cultivation throughout Bengal.

Thus, the very last phrase with which the Lieutenant Governor concludes his minute is in these words: "This corroborates the calculation just made, which gives seven rupees as the absolute loss upon average land, from cultivating indigo at the price now paid for it." We ask you, Sir, to read this 32d paragraph in connexion with the last paragraph in the Appendix to the minute. We ask you to say, Sir, whether that 32d paragraph contains any calculation whatever, and whether it applies in any way to "Average land."* We ask you further, Sir, having compared these two statements, to say whether you are henceforward prepared to direct the policy of this country in India, in entire confidence in the candour and impartiality of the present Lieutenant Governor of Bengal.

We have now, Sir, perhaps said enough to show that neither the statements nor the calculation of the Lieutenant Governor on a subject, upon which we have proved him to be so very far from being either candid, impartial, or instructed, are unworthy of any more elaborate refutation. We have shown that his often-repeated assertion of a loss of seven rupees per beegah, applies only to the high land in Nuddea and Jessore, and is to be drawn out only by a comparison on that particular class of lands between a primary crop and a fallow crop.

Sic in orig.

But we now propose to go even yet further upon this most strange comparison between the crop of rice, which is grown for profit, and the crop of indigo, which

is

* We have seen how carefully Mr. Grant confines his assertion about the seven rupees to the high land in Nuddea and Jessore. We see here how he refers to that assertion as having been a calculation with regard to average land. We will now show from his own words, printed in the very same Appendix, that Mr. Grant is of opinion, when it suits his argument, that high lands are the very reverse of average land, but are, on the contrary, lands of exceptional excellence. Here are his words: "Spring sown indigo is the most important for present purposes, as October plant is usually sown on low land inundated early, on which the pressure of indigo cultivation does not appear to be nearly so severe as on good high land. It appears to be a universal rule that the severest loss from indigo is from land fit to raise the most valuable crops, which, as might have been expected, is naturally unsuited to sow so coarse and low priced a crop as indigo plant." The notorious fact is, that aous paddy sown on the high lands is, comparatively with ammon, a scanty and unprofitable crop.

The loss of the seven rupees.

is grown to prepare the land, and to restore it again to the rice growing condition. Mr. Grant has actually furnished us with figures ; it is the only calculation made by Mr. Grant which will be found in this minute. With that, therefore, we propose to grapple, and we think we shall be able to show you, Sir, that even if we allow the Lieutenant Governor to take a piece of the richest high land, which, as he himself states, is most adverse to the cultivation of indigo, and if we allow him to contrast the crop of indigo there produced with the crop of rice which preceded it, there will be nothing like a difference of seven rupees or even of three rupees a beegah between the indigo and the rice ; on the contrary, I shall be quite able to prove, not only that the indigo crop is useful to the production of the rice crop, but also that it is in itself as profitable a crop as the aous paddy crop ; a paying crop in average years, and a lucrative crop in exceptionally good years.*

We will now quote Mr. Grant's valuation entire, as it appears in the Appendix to his minute:—

“ Appendix A.

“ MEMORANDUM on the Evidence regarding the unprofitableness of Indigo to the Ryot at the Price paid.

“ It is shown that the fairest comparison of the return from spring-sown indigo, with that from other crops, is the comparison made with early rice, both of these crops being sown in spring and cut in the rains.

The Lieutenant Governor's valuation of indigo and rice.

Yield of rice and indigo.

“ Appendix No. IV. gives the value of the average return from an acre of land in a large number of districts, of several crops, and amongst others of early rice. The average return from early rice in Nuddea (Kishnaghur) generally is stated at Rs. 8. 10. At Culnea, on the border of Nuddea, and at Santipore, in Nuddea, it is stated at 11 rupees ; at Chagdah, in Nuddea, at 9 rupees ; and at Ranaghat, in Nuddea, at Rs. 7. 2. The averages given in the neighbouring districts, namely, in Jessore (where it is so high as 14 rupees), Moorshe-dabad, Hooghly, and Barraset, are all higher than that given to Nuddea. Mr. Sawers, an indigo planter, states that 7½ maunds of rice, meaning evidently early rice, is a high yield, the value of which formerly with the straw would have been 9 rupees, but at present prices it is 17 rupees. On the whole I think that Rs. 8. 10. must be considered a low average return from early rice.

“ All the evidence goes to show that nine bundles of indigo (from 8 to 10) is about the average return. Appendix No. 1 shows that the most common price given for indigo is one rupee for six bundles, the highest price ever given being one rupee for four bundles, and prices as low as one rupee for seven, eight, and even in two cases 10 bundles being given. I make out the general average to be about 5½ bundles for the rupee. At this rate the average return will be less than Rs. 1. 9., so that the difference between this return, and that from early rice, being the net loss of the ryot upon indigo, comes out at Rs. 7. 1 anna.

“ There seems no difference in the cost of cultivation to take into consideration.† But against indigo, has to be set the cost of a stamp charged to the ryots, whether used or not, and often the cost of cartage or a part of it. Also the fees of the factory omlah, of indefinite amount, which I observe one planter, Mr. Sage, thinks do not exceed one-fourth part of the amount credited to the ryot.

“ The above seems to me the simplest and most certain method of calculating the loss on indigo.

“ Sometimes, indigo stumps are left in the ground which produce seed. The seed is taken by the factory at a fixed price, about a quarter of its present market price, or less ; but even so, it may yield an additional two rupees or four rupees to the ryot.‡ This, however, does not affect the calculation, because in this case the ryot cannot have a cold weather crop, the value of which must be set against the seed.”

Careful reading will show that Mr. Grant's valuation assumes the following propositions:—

The errors in the Lieutenant Governor's valuation.

1. That inasmuch as the gross values of the crops are contrasted, the expense of seed and labour are the same upon an indigo and a rice crop.

2. That

* From the evidence as to the Mulnath indigo concern in the Blue Book, it is seen that, after four bad years, one good year is sufficient to clear off all arrears and give the ryot money in hand, beyond the advances he had received year by year.

† We crave reference to the returns in the Blue Book. No witness has dared to say this, and no figures are consistent with it. It is as audacious as it would be to say that the cost of the crop of clover is as great as the cost of the crop of barley. In a certain sense, but not in any honest sense, no doubt it is so.

‡ Mr. Grant forgets to state that this fixed price is given whether the market price chance to be above or below that price. In 1851–2 indigo seed was selling in all the bazars in Nuddea at from 4 to 8 annas per maund, 6 d. to 1 s. The planters paid to the ryot the fixed price of 4 rupees or 8 s. per maund. A poor yield would hardly give less than from two to three maunds, representing 6 to 12 rupees instead of “two or four rupees.”

2. That crops of aous rice, which ryots themselves, during an extravagantly dear year, value as low as seven rupees, can be fairly valued, now that rice has fallen to half its then price, at eight rupees 10 annas.

3. That nine bundles of indigo to the beegah are an average crop, whereas it is in evidence that in an ordinary year 20 bundles are a very common yield, and that under good management, and a good season, even 40 bundles per beegah are reached.

4. That the average price paid for indigo plant is a rupee for 5½ bundles, the evidence being distinct that all the large factories pay a rupee for four bundles.*

5. That the average value of a crop of indigo plant is Rs. 1. 9. per beegah; the fact being undisputed that the planters' advances on account of this crop are two rupees per beegah and seed, besides, from time to time, advancing money to purchase ploughs and bullocks, when they have been seized by the native usurer, who has made advances on the rice crops.

Now, Sir, all these assumptions are utterly untrue. That Mr. Grant has these impressions we do not doubt. Utterly uninformed as he confessedly is upon the subject, he has naturally lost himself in the maze of evidence, and has come out with bits of testimony plucked here and there. What even Mr. Seton Karr never dreamt of doing, Mr. John Peter Grant has rushed in and done.

First. No one in India, but Mr. Grant, could suppose that there is no difference in expense between the careful cultivation of paddy and the coarse culture of indigo.

Second. The crop of aous rice is of a precarious character, and equally liable with indigo to absolute failure, which Mr. Grant does not allow for in his calculation.

Third. Nine bundles of indigo per beegah are a poor crop, and not an average crop, and the average lies between nine bundles and 20 bundles.

Fourth. The fixed price paid for indigo plant in most large concerns is a rupee for four bundles.

Lastly. Mr. Grant has omitted altogether to mention that there is this difference between aous paddy and indigo; that the former is grown upon advances made by the native usurer at 75 per cent., whereas the latter is grown upon capital advanced by the planters free of interest. The indigo, when grown, is the ryot's, minus the principal advanced; the rice is the ryot's, minus the advance made by the native usurer, and 75 per cent. interest upon that advance.

The system of rice cultivation is this:—

As a body the whole mass of cultivators work under advances received from the mahajun, who is the native banker or money lender. These advances consist principally of rice both for consumption and seed, and of money for the payment of rents to the zemindar. The rice account is kept in the mahajun's books in rice, and balanced in that grain, and a separate account is kept for the cash advanced from time to time for the payment of rents. The high prices of rice therefore are of no benefit to the ryot, though they are to the mahajun.

When the ryot's rice crop is reaped he goes to his mahajun, and goes into his account with him, repaying him in kind with interest at the rate of about 75 per cent. for the rice which the mahajun has advanced during the preceding season. In entering therefore into the relative returns from rice and indigo this grave item must be gone into, which has not been done by Mr. Grant.

In nine cases out of ten it happens that, after a settlement of account with the mahajun, the ryot is still in his debt with respect both to his rice account and

* Vide evidence in Blue Book.

Mr. Grant makes his average of 5½ bundles per beegah by reckoning all the factories, little and large, as units of equal power. If he found a factory of 100,000 beegahs giving a rupee for 4 bundles, and a factory of 100 beegahs exacting 6 bundles for a rupee, he would treat both as a factory, and would strike the average between the two at 5 bundles per rupee; practically, the former price is the price paid by all the great concerns; that is to say, 4 bundles the rupee.

primary crop of wheat or seeds, is a paying crop in an average year; and a lucrative crop in a good year, which was what we undertook to prove.

For his money to pay his rent, and to enjoy himself during his feasts, the ryot depends upon the advance from the indigo planter; for his rice during the year, he depends upon the native usurer, who supplies him all through the year, and receives $1\frac{1}{2}$ maunds for every maund so advanced, whenever the ryot reaps his harvest. We do not accuse Mr. Grant of knowing anything about all this, but if you, Sir, will give us a committee, we will prove it all to him and to you.

There is one patent fact upon a large scale which tests what we have here said. No sooner have the planters ceased to advance money for indigo than ryots have ceased to pay rents.* We have given the most recent reports upon this subject, which have reached England, in the Appendix to this memorial.

We think we have now sufficiently disposed of the Lieutenant Governor's discovery of the loss of seven rupees per beegah upon the culture of indigo, a discovery which bore the character of impossibility upon the face of it, and which becomes ridiculous when examined.

THE FAULT IN THE SYSTEM.

Yet, although if "all depended on the price," we should be going on smoothly enough; there is a fault in the system of indigo manufacture. It is a fault which the Calcutta secretariat will never to the last admit. It is a fault which enlightened civilians like Mr. Temple do admit and deplore. Rather however than admit it, Mr. Grant will involve himself in amateur valuations of the details of a business he has never seen in action, and about which he knows nothing, and will imagine a reason so impossible as the unprofitableness of a culture which has gone on in India from time immemorial. Fault in the indigo system.

The fault lies in the long accounts which run between the indigo planter and the ryot. This is what produces the dislike of the ryot to the factory. Of course he hates the planter as a foreigner of a dominant race, and would get rid of him as, if he could, he would get rid of Mr. Grant, and of you, Sir, and of all the whole English race. But the indigo planter is not only a foreigner, he is also a creditor. The Government opium and salt ryots are made to account every year. They are sold up without mercy if they do not pay any balance that may be due. There are stringent remedies for this purpose, peculiar to these poor Government ryots, which are always enforced, and as one set of ryots disappear under this cruelty and oppression, another comes on. The Government adopted "special legislation" for themselves as regards opium contracts; *vide* Act 13 of 1857. In very good years these ryots can exist, and do not complain; in bad times they disappear, and sink into the mass of coolies.† The indigo planters have no such remedies,

* As an instance of the effect of withdrawal of the indigo planter's advances we may mention what actually took place some 25 years ago. Owing to a commercial failure in Calcutta the Bansbarriah concern in the district of Rajshahye was closed. The Rajah of Nattore was obliged to pay his land rent to the Government in copper pice, and stated in a petition to the Collector, that the indigo factories being closed, the circulation of silver was stopped, and that he could only, and with great trouble, collect his revenue in pice. The Collector having the expense of the remittance to Calcutta before his eyes, for in those days bill were not used, applied for sanction to receive this bulky tender. Imagine 10,000 l. in farthings! After a time, arrangements were made to work the factories, and silver again circulated.

† We quote the following from a tract put forward in Calcutta, many years since, but the system is unaltered:—

"There are two great monopolies not inherited by us from our Mogul predecessors, but created by English ingenuity, both of which fall with great severity on a dense population of paupers. The origin of these, as every reader of Indian history knows, was a scheme of Clive's, for adding to the public emoluments of the head civil and military servants, at the expense of the poor consumers. The honourable directors indignantly disapproved of such barbarous, illicit exactions of their servants, and forthwith commanded that the profits should be given up to themselves. One of these is particularly grinding, as affecting an article (salt) of primary necessity everywhere, but nowhere more so than in India, because the indigent natives exist on the poorest of diet:—a handful of roast peas, or a cake of toasted flour, which are neither palatable nor digestible without the miserable condiment of a pinch of salt. We pass by the details of the odious monopoly, its cruelties, forced labour, smuggling, demoralisation, and invasion of individual rights, the unavoidable accompaniments of a system that interdicts all making or dealing in salt, except by and for the Company, in regions that produce nothing else, and where salt low lands, vast jungles, and powerful sun combine to produce that article in indefinite quantities. Let it be sufficient to state the bare fact, that the salt of which the cost of production is about half a rupee, is bought (at the Company's sales) by the

remedies, and if they had would have no temptation so to use them; but not having any remedies whatever, they are obliged to carry their accounts over. The proverbial improvidence of the native makes him disregard a debt which he knows cannot be recovered. He is always getting into scrapes with his native money lender, or his zemindar, and the planter is constantly obliged to lend him money to pay his rent or save his bullocks; for if the planter did not do so, he would lose his indigo crop, over which he has no available legal control. The ryot therefore is constantly, to use a familiar idiom, "working the dead horse," and of course he hates it. He has had the money and spent it, and the indigo is yet to be planted.

It cannot be any pleasure to the planter to carry on his business in this way. It cannot be to his interest to have 10,000 *l.* always out on bad security, and bearing no interest; but there is no choice. The courts give him no remedy; without advances he can get no indigo. If he must advance, and if he cannot recover upon his contracts, his debt must accumulate. That accumulation is urged against him as a crime; it is his necessity and his bane.

We have pointed out the remedy, and every one, Committees of the House of Commons; civilians of the enlightened class, which consists of such men as Mr. Temple; missionaries, such as Dr. Duff; unprejudiced Europeans in India, every class, except Mr. Grant and the Calcutta Secretariat, think we ought to have it. We mean Small Contract Courts in the Mofussil.

Want of law, order,
and justice.

* Para. 18.

The Lieutenant Governor has, with habitual inconsistency, deplored * "that law, order, and legal protection in ordinary cases, so as to make justice and the protection of the law really accessible to the mass of the people," was not introduced into Bengal in 1835, and he has, in paragraphs 81 and 82, with a boldness which in a better cause all would admire, assured you, Sir, that the Mofussil Courts are perfection.†

As this, Sir, is a very vital point in this controversy, we must ask your attention to the details of one out of many cases, not upon indigo contracts, but for rent, upon which, in England, the landlord could distrain. We believe this case has been already before the Indian Government, but at any rate it can be verified by the most unimpeachable evidence, not as an exceptional, but as the ordinary course of procedure.

CASE

wholesale merchants for four or five rupees, and ultimately retailed to the unhappy consumer at six rupees, well adulterated with impurities. Such is the poverty of the people that they prefer the impure salt, procured by filtration through the overflowed mud of the salt marshes, and by a hasty evaporation, to that obtained from the purer sea-water and solar evaporations; not because they like the earthy mixture, but because the first is accompanied by a proportion of bitter and pungent saline compounds, and thus they obtain a greater proportion of seasoning for their money, in the very small quantity of the article which they can afford themselves. The opium monopoly is affected by an equally unjustifiable interference with manufacturing and agricultural industry; its culture is prohibited except at rates fixed by the Company, and for the Company's sole advantage. The profits are several hundreds per cent."

† If any Indian fact could be supposed to be clear, it would be the abominable character of the Indian courts of judicature. Mr. Grant is the only man who has ever ventured to avow himself their champion. Mr. Norton's pamphlet shows that it is a common thing to have six trials about a case of five rupees:—

"There is," he says, "scarcely such a thing as 'Res judicata,' each successor considering himself at liberty to review and differ from his predecessor. It constantly happens that after a matter has been solemnly argued before a full court, and a decision pronounced, a review of judgment is asked for from no other reason than I can suggest than because there has been a subsequent change in the constitution of the court, and the vakeels are willing to try one more last chance, so that literally no one is safe when a cause is apparently laid and set finally at rest; the parties are never sure that its ghost may not arise to haunt and torment, though it may not be capable of inflicting much serious injury.

"Pleadings.—The next point to which it is necessary to draw attention is the extraordinary nature of what are called the pleadings. Instead of being mere records of the facts on which the respective parties rely, they run to the most extraordinary length, being stuffed full of every argument which the ingenuity of the native pleader can devise. They travel into the most irrelevant matter, and I have seen a plaint in which a man laid claim to a house from which he wished to oust the defendant, conclude with a recapitulation of the eminent services which his great grandfather had rendered the Honourable Company upon the occasion of the invasion of Hyder Ali."

We refer to Lord Macaulay's minute for his opinion of the system which we are so vainly trying to reform, and to the Rev. Dr. Duff's letter quoted hereafter, for the very best description which could be given of what the system is at this day.

CASE FOR RECOVERY OF RENT.—RENT LAW OF 1859.

"A case under Act X., decided with all possible dispatch, where the ryot offered opposition, and appealed:—

| | | |
|----|------------|--|
| 1 | September. | Petition presented. |
| 12 | " | Day fixed for hearing; ryot denied his liability, and called witnesses; day fixed for hearing, 20th September. |
| 20 | " | Witnesses of defendant not present; hearing postponed until 30th September. |
| 30 | " | Witnesses' depositions taken, and case decreed against ryot. |
| 28 | October. | Case appealed by ryot. |
| 30 | " | Appeal allowed, and file called for. |
| 6 | November. | Order signed for the above. |
| 8 | " | Robbokarree received by the Lower Court. |
| 15 | " | Nuttee forwarded to Collector. |
| 17 | " | Nuttee received by Collector. |
| 25 | " | Day fixed for hearing, 5th December. |
| 5 | December. | Appeal dismissed. |
| 8 | " | File returned to Lower Court. |
| 13 | " | An order passed to attach the property. |
| 24 | " | Court messenger gave in explanation of having attached the property. |
| 26 | " | Protest presented by another ryot, saying the property seized was his. |
| 5 | January. | Protest disallowed. |
| 8 | " | Ameens' wages deposited, and order for sale of property. |
| 16 | " | Property sold, and three rupees out of claim for 12 rupees realised. |
| 31 | " | Ryots' jummah sold for balance of claim, and realised one rupee." |

Thus, it takes a five months' suit and two trials to obtain judgment and execution for rent, amounting to 1 *l.* 4 *s.* sterling, and, after all, only four rupees, or eight shillings, are recovered.*

This is the real vice of the indigo system of Bengal. This is what complicated our relations with the ryots, and prevented our looking to the courts for justice, even when we had some confidence in the independence of the magistrates, and before the present Lieutenant Governor commenced to issue his pattern decisions, and to remove those magistrates who acted upon their conscientious opinions, when their opinions were in favour of the planter. Yet the Lieutenant Governor is satisfied, because he hears that there are no arrears of indigo cases.

OPPRESSION.

There is an immortality in calumny; kill it as often as we may, we find it again upon our path. Twenty times we have had already to meet the general charge, "That the ryots suffer a great deal of oppression at the hands of the planters." Our answer is, "That this is not true. We are not oppressors; we are benefactors; they who have from the earliest days accused us of being oppressors are themselves the great oppressors, and have in our days worked out the consummation of their system, of destroying every Indian and European interest which raised its head against the class of which the Honourable Mr. J. P. Grant is the representative."

Answers to assertions of oppressive conduct on the part of the planters.

The planter has hitherto only just struggled for existence against the exercise of this absolute and hostile power.

How is it possible that a planter can oppress? He does not live in a fortified house, as the zemindar or the rajah lives; he has no guards as the rajah or the civil functionary has; he is a lone white man, in an open Eastern house, and in the midst of an enormous native population, numbering at least one hundred thousand to each European. He has not even a law to protect him; he is obliged to make himself necessary by doing acts of kindness, lending money without interest, arbitrating without fees, giving medicine to the sick, and advancing rice

* It is to be observed that, in this case, the judge happened to be on the spot, and every facility was afforded for a speedy decision.

Thus is shown the working of the Act X. of 1859, with the Collector as judge on the spot, and under the most favourable circumstances possible. On appeal, the case is more likely to occupy seven than five months; and when the worry and expenses in keeping the clerks, rent collectors, and other factory servants at the station, to carry on these cases, are taken into account, one can readily understand how unjust it is to force the recovery of rents through the Mofussil Courts.

rice to the famine-struck ; he has not the means of oppression, and he does not oppress. Take every accusation which has ever been made against a planter, and it will be found that the very worst of all will amount to no more than that he has done in the absence of law what the law would have done for him had he been protected by law. Mr. Eden can hunt out, with industrious hatred, a score and a half of cases of indigo offences during a period of 30 years ; some of them on the part of the factory servants, some on the part of the ryots. Is not the very fact of such a result the best possible answer to any general charge of oppression ? Take any county in England, and see whether the criminal records would not give a much heavier return. Where there is no law there must be disputes, and there must be disturbances ; but the wonder is not that they should have occurred, but that they have been so few.

The Indigo Commission have gone back to the old times, and their Report, after all they have heard, has been an absolute acquittal. Even Mr. Grant himself has been obliged to admit, in the most ample manner, that the general assertion often made of violence to native women, "is not only utterly disproved, but is so entirely without a shadow of foundation that the charge ought never to have been brought," a strange, but not unsuggestive phrase. All the other charges, for which the Indigo Commission so industriously sought evidence, and so signally failed to find it, would, even if they had succeeded, have amounted to no more than that some few times within 30 years, some one planter had been irritated to make a "Welsh ejectionment," or had imprisoned some fraudulent debtor whom, in a wholesome state of society, the law would have imprisoned. Search the whole mass through, and there is not a suggestion of anything like what would be called oppression, even in England. On the other hand, it is apparent enough that the power of enforcing contracts, which is of everyday occurrence in England, is quite impossible in India, except in the cases of the Government ryots ; and that to shut up a fraudulent debtor in a warehouse is an act which can only be done illegally, and is a crime so black, that the very suspicion of it causes a sensation throughout the district, and sets Commissions of Inquiry on the alert for evidence.

A rural parish in England, or a single County Court district in London, would show more labourers imprisoned for breaches of debts and contracts in a single year than have ever been even suspected of being imprisoned during 30 years in all the indigo districts of Bengal.

As there is no available law, of course the analogy does not strictly hold, because the imprisonment in the latter case is "illegal ;" but when the Lieutenant Governor talks of "oppression," reasonable men will look, not at technicalities, but at the moral result. If the Lieutenant Governor insists on denying ryots and planters law and justice by legal means, it is not fair to feign indignation, when ryots and planters right themselves by means of a legally irregular character.*

Yet

* The following are extracts from a minute by Sir F. J. Halliday, the late Lieutenant Governor of Bengal, upon the subject of the police. It is entitled, "A Minute of the Lieutenant Governor of Bengal, on the state of the police and criminal justice in the Lower Provinces of Bengal," dated 30th April 1856.

Sir Frederick Halliday says, that "*throughout the length and breadth of this country, the strong play almost universally upon the weak, and power is but too commonly valued only as it can be turned into money.*" Regarding the rural police, he says, "*that no police (in Bengal) can be effective without their help,*" and yet "*that they are kept in a permanent state of starvation, inadequately and uncertainly paid ;*" and that "*they are all thieves or robbers, or leagued with thieves and robbers, insomuch that when any one is robbed in a village, it is most probable that the first person suspected will be the village watchman.*" Again, Mr. Halliday quotes the opinion of Commissioners appointed to inquire into the efficiency of the police, as follows : "*It is even a question whether an order issued throughout the country to apprehend and confine them, would not do more to put a stop to theft and robbery, than any other measure that could be adopted.*" Then as regards the public odour of our administration of criminal justice, Mr. Halliday says, "*Whether right or wrong, the general native opinion is certainly that the administration of criminal justice is little better than a lottery, in which, however, the best chances are with the criminals ; and I think this also is very much the opinion of the European mofussil community.*" As to corruption, while noticing "*the disinclination of the people to assist in the apprehension and conviction of criminals,*" he says, "*more no doubt is due to the corruption and extortion of the police, which causes it to be popularly said, that dacoity is bad enough, but the subsequent police inquiry very much worse.*" But he adds, "*that this disinclination is likewise owing to the deep sense which pervades the public mind of the utter uncertainty of the proceedings of our courts, and the exceeding chances of escape which our system allows to criminals ;*" and he goes on to remark, "*that this very general opinion is not ill-founded, may, I think, be proved from our own records.*"

It

Yet after all the Lieutenant Governor is obliged to go back 50 years to find four cases of even alleged misconduct in indigo planters.

If we were to go back 50 years, what deeds of oppression and corruption might we not exhume on the part of the civil servants of the Company? But we are defending ourselves, and not recriminating upon others, and we boldly accept the issue, and declare that never did any class of men, placed in such a position as that in which we have been placed, so act as to have such a body of evidence in their favour as that which we have adduced.

When the Lieutenant Governor accuses, he rests upon his unsupported accusation; when we answer, we always produce our authority.

Perhaps you, Sir, and the British public, will place more reliance upon the deliberate and official judgment of Lord William Bentinck than upon the recriminatory assertions of Mr. J. P. Grant. We crave a perusal, therefore, of the following extract from that Governor General's Minute of the 30th May 1829 :—

"It has been supposed that many of the indigo planters resident in the interior have misconducted themselves, acting oppressively towards the natives, and with violence and outrage towards each other. Had the case been so, I must still have thought it just to make large allowances for the peculiar position in which they stand. They have been denied permission to hold lands in their own names. They have been driven to evasion, which has rendered it difficult for them to establish their just claims by legal means, or they have had to procure the plant required by them, through a system of advances, which in all branches of trade is known to occasion much embarrassment, and to lead to much fraud. They have possessed no sufficient means of preventing the encroachment of rival establishments, still less of recovering their dues from needy and improvident ryots. Further, we must not forget that the restrictions imposed upon the resort of Europeans to this country, have operated to compel the houses of business often to employ persons in the management of their concerns in the interior, whom they would not have employed if they had had a wide scope of choice. It would not be wonderful if abuses should be found to have prevailed under such circumstances, or if the weakness of the law should have sometimes led to violence in the assertion of real or supposed rights. But under all the above circumstances of disadvantage, the result of my inquiries is a firm persuasion (contrary to the conclusions I had previously been disposed to draw) that the occasional misconduct of the planters is as nothing when contrasted with the sum of good they have diffused around them.

Testimony of Lord William Bentinck.

"In this, as in other cases, the exceptions have so attracted attention, as to be mistaken as a fair index of the general course of things. Breaches of the peace being necessarily brought to public notice, the individual instances of misconduct appear under the most aggravated colours, but the numerous nameless acts by which the prudent and orderly, while quietly pursuing their own interests, have contributed to the national wealth and to the comfort of those around them, are unnoticed or unknown. I am assured that much of the agricultural improvement which many of our districts exhibit, may be directly traced to the indigo planters therein settled, and that as a general truth it may be stated (with the exceptions which in morals all general truths require to be made) that every factory is in its degree the centre of a circle of improvement, raising the persons employed in it and the inhabitants of the immediate vicinity above the general level. The benefit in the individual seems to be sufficient to show what might be hoped from a more liberal and enlightened system."

We will next ask your attention, Sir, to the Report of the Colonization Committee of the House of Commons (1859). In this Report you will find the following:—

"It is stated by witnesses generally that wherever Europeans have settled, a marked improvement in the country has followed. The various products of the land have been developed. Settlers have taken the lead in introducing steam navigation, and in discovering its indispensable auxiliaries, coal and iron, in the extension of roads, and in generally lowering the cost of production.

Report of Colonization Committee.

"It

It must be borne in mind that this minute was penned so late as 1856. As to increase of crime, Mr. Halliday says, "*In the seven districts round about Government House, we have seen dacoity (burglaries attended with violence) increase from 82 in 1841, to 524 in 1851.*" Regarding the inexperience of magistrates, of which we so earnestly complain, the late Lieutenant Governor says, "*Even if our tribunals were all we could wish, and if our police were fully reformed, what would it avail us so long as our superintending magistracy was for the most part in the hands of inexperienced, and therefore unqualified young men?*" He adds, "*That it seems certain that the evil during several successive years is likely very seriously to increase;*" and again, "*Although certain of our young magistrates often display efficiency and ability beyond their years, yet on the whole, our magistracy is growing perceptibly weaker; and yet I grieve to be obliged to affirm that the evil will infallibly increase within the next three years, unless an early remedy be applied.*" Does anybody imagine that while this lasts, our Bengal police can be reformed?

Any comment of ours could but weaken this testimony. We leave Mr. Grant to uphold his theory of the improvement of the police, against his predecessor in the Lieutenant Governorship, against Mr. Temple, and indeed against every public man who has ever written or spoken of Bengal.

"It is justly observed by Mr. Marshman, that from their intercourse with the people, settlers most naturally know more of what is passing in their minds than the agents of the Government; the position of the settlers rendering them vigilant and interested observers of the tendency of native opinion.

"Where they reside, the rate of interest, often exorbitantly high, becomes reduced. The circulation of ready money is extended, and a steady rise takes place in the rate of wages.

"Another good effect of settlement is, its tendency to promote the maintenance of order. A large extension of the number of settlers over India would be a considerable guarantee against any future insurrection, and would tend to lessen the necessity for maintaining our expensive army."

Surely this does not look like a reign of oppression.

Mr. Walters, the magistrate of the city of Dacca, who has dwelt with especial severity upon a few instances of bad men in troubled times, some of which will always be found in any body of men, in his return to the Governor General's Circular of the 29th December 1829, says:—

Testimony of Mr. Walters.

"That some of the planters are held in much estimation by the natives; that they are constantly called upon to arbitrate disputes between relatives or neighbours; that they are the frequent dispensers of medicine to the sick, of advice to those in difficulty, of pecuniary aid to those in need, on the occasion of family events, which would otherwise involve them for life with native money-lenders; and that their never failing acquiescence in the wants and wishes of their poor neighbours has thus tended in some measure to exalt the British name and character. I can vouch from my own knowledge of the fact."

Evidence of the Secretary to the Baptist Missionary Society.

As Mr. Grant has appealed to the missionary body, we will next cite the evidence of Mr. Underhill, the Secretary of the Baptist Missionary Society, who had been on special mission in India.

In his examination before the Colonization Committee, 1859, this gentleman states:—

"4778. Mr. Kinnaird.] 'What bearing might the increase of European landowners have upon the welfare of the ryots?—On the whole, I have no doubt that it would be highly beneficial. It appears to me, that the tendency of all European occupation is to improve both the productions of the land, and the condition of those who labour upon the land; one might be sure that this is the case from the general contentment of the servants of the different English zemindars'."

And again:—

"4771. Mr. Kinnaird.] Has there not been much controversy between the indigo planters and the missionaries arising out of these circumstances?—There was a great deal arising from the statement of a German missionary in Kishnaghur, that the indigo planting system was a system of great oppression and extortion on the ryot; but the conclusion to which I came, after a great deal of thought and conversation with parties interested in the matter was, what I have already stated, that almost universally, those oppressions and extortions originate in the state of the country, in the state of the administration of the law, in the charter of the police, and in difficulties which the indigo planter might well plead in bar of any condemnation that might be brought upon conduct that otherwise we must very strongly condemn."

Once more, this gentleman who may be taken to represent the whole Baptist body upon this matter, says:—

"4709. Will you generally state the results of your observations on the residence of Europeans in the country?—

"There can be no doubt whatever that the residence of Europeans in the interior, is highly beneficial in a material sense, by the introduction of new products and new modes of producing articles of commerce. A great improvement is already seen in the rise of wages through almost the whole of those parts of Bengal where Europeans reside.

"Then you may see the influence of Europeans always when you come within a few miles of the places where they dwell; the country is better cultivated, the roads are in better order, and the aspect of the land itself bears the impress of European skill and European capital having been expended upon it, so that you can very readily tell whether you are approaching any settlement, or factory, or farm, inhabited by Europeans.

"Then, in a social sense, I think also the presence of Europeans is highly beneficial. In former days many Europeans lived very improper lives in India; that day is gone by. I am very glad to say that that has almost entirely ceased, and that the Europeans now living in the Mofussil are not addicted to the immoral habits which were very common 30, 40, or 50 years ago. Then, I think also, that the influence of Europeans is exceedingly beneficial, from the diffusion of ideas of truth and justice which they invariably maintain. Whatever a European may be in other respects, his word is always taken by natives, and, with very rare exceptions,

Answer to assertions of oppressive conduct on the part of the planters.

exceptions, they always confide in a European's judgment, and upon his general equity they constantly rely. They seem to think that a European will always do them justice if he can, if his own special and peculiar interests do not clash with what the native may seem to think just."

Evidence of the Secretary to the Baptist Missionary Society.

We will now give the decisive testimony of the two most eminent natives of modern times upon this subject.

In page 176 of the papers relating to the conduct of Europeans in India, the opinions of these two eminent natives are thus recorded :—

Dwarkanauth Tagore said: "With reference to the subject more immediately before the meeting, I beg to state that I have several zemindaries in various districts, and that I have found that the cultivation of indigo, and the residence of Europeans have considerably benefited the community at large, the zemindars becoming wealthy and prosperous, the ryots materially improved in their condition, and possessing many more comforts than the generality of my countrymen, where indigo cultivation and manufacture are not carried on. The value of land in the vicinity is considerably enhanced, and cultivation rapidly progressing. I do not make these statements merely from hearsay, but from personal observation and experience, as I have visited the places referred to repeatedly, and in consequence am well acquainted with the character and manners of the indigo planters.

Testimony of Dwarkanauth Tagore.

"There may be a few exceptions as regards the general conduct of indigo planters, but they are extremely limited, and, comparatively speaking, of the most trifling importance. I may be permitted to mention an instance in support of this statement :

"Some years ago, when indigo was not so generally manufactured, one of my estates where there was no cultivation of indigo did not yield a sufficient income to pay the Government assessment, but within a few years, by the introduction of indigo, there is not now a beegah on the estate untilled, and it gives me a handsome profit. Several of my relations and friends, whose affairs I am well acquainted with, have in like manner improved their property, and are receiving a large income from their estates."

Rammohun Roy used the following language :—

"From personal experience, I am impressed with the conviction that the greater our intercourse with European gentlemen, the greater will be our improvement in literary, social, and political affairs, a fact which can be easily proved by comparing the condition of those of my countrymen who have enjoyed this advantage, with that of those who unfortunately have not had that opportunity, and a fact which I could, to the best of my belief, declare on solemn oath before any assembly. I agree with Dwarkanauth Tagore in the purport of the resolution just read. As to the indigo planters, I beg to observe, that I have travelled through several districts in Bengal and Behar, and I found the natives residing in the neighbourhood of indigo plantations, evidently better clothed and better conditioned than those who lived at a distance from such stations."

Testimony of Rammohun Roy.

Answer to assertions of oppressive conduct on the part of the planters.

"There may be some partial injury done by the indigo planters, but on the whole they have performed more good to the generality of the natives of this country than any other class of Europeans, whether in or out of the service.

Surely this ought to be enough to lay at rest once more this often-evoked calumny. Yet the Lieutenant Governor quietly assumes the fact as an undisputed truth, that the planters are oppressors, and that he and his coadjutors, who produce opium and salt, are the protectors of the ryots against the planters. For this he cites Dr. Duff "the eminent divine," the acknowledged head of the missionary body, whom we could wish that they all resembled. There is not a more philanthropic or more independent man in India. He has, no doubt, taken up some strong opinions, but he holds them in all honesty and in all disinterestedness. If he is a severe and sometimes a prejudiced critic, he intends at least to do all men justice. Let us hear then what the Lieutenant Governor's really respectable witness says, and how far the Lieutenant Governor has a right to cite him as a man testifying in his favour.

Dr. Duff says: "As regards the planters, some of them have been and still are among the number of my personal friends, greatly and deservedly respected, and I should be ashamed of myself were I not on every proper occasion to avow my firm persuasion that those of them thus intimately known to me have been, and are men of rectitude and honour, who would scorn wilfully to injure, oppress, or defraud any of their fellow creatures. And as regards the general body of planters, as such, no sane person can allow himself to entertain causeless pre-

Testimony of the Rev. Dr. Duff.

judice or feelings of aversion and enmity towards them, any more than towards the cultivators of rice or cotton, the sugar cane, or the mulberry tree. In so far as any of them may have succeeded in introducing a large amount of capital, to be expended in promoting the growth of a valuable and easily transportable mercantile commodity, in bringing wastes and jungles into cultivation, and in giving remunerative employment to multitudes of needy labourers, they deserve well of the Government of India. As to indigo itself, even if it had been a foreign plant transferred to this country like the potato, who could possibly object to it, provided its culture were found profitable to all parties concerned? But indigo from the earliest ages has been well known as an indigenous product of India. • Brought thence to Europe as a favourite dye and prized article of commerce, it derived, according to ancient classic authors, its name of "Indicum" from the country in which it grew. That indigo, therefore, should continue still to be raised in India, seems to be as much the design of Providence as that rice or the sugar cane should be raised in it; and properly cultivated, it ought, equally with these and other indigenous growths, to contribute in due and fitting proportion to the temporal well-being and comfort of its inhabitants; consequently the compulsory disappearance of such a product from our Indian fields and markets ought to be viewed in the light of a national calamity."

We would crave that this extract may be compared with the whole tone and tendency of the Lieutenant Governor's Minute.

From the same able and elaborate letter, so confidently claimed by the Lieutenant Governor as incriminating the indigo manufacturers, and exculpating himself, we quote the following :—

Testimony of the
Rev. Dr. Duff.

"Were the whole story of the past century fully unfolded, there can be little doubt that all would have their several budgets of grievances as well as excuses. The zemindar would have his complaints against the planter, and the planter against the zemindar. The ryot would point in bitterness to the multitudinous oppressions and extortions on the part of the planters and zemindars, or rather their hard-hearted underling agents; and the planter and zemindar would point in return to what they had to endure from the craft, ignorance, cunning, lying, deceit, and dishonesty of the ryot. Government officials would complain of the interminable bickerings and feuds between planters, zemindars and ryots, "*while all these might bring still more ample ground of complaint against the intolerable corruption of the police, together with the endless and nameless briberies, perjuries and forgeries concocted in mofussil courts, which too often rendered the administration of law a tragedy or a farce, and the attainment of justice a lottery or an impossibility.*"

"On the other hand, it cannot be doubted that all these parties severally would have much to urge by way of mitigation or palliation.

"The present zemindar might say, that having been denuded of many of those powers, or conceded rights which his predecessors had exercised, and the exercise of which had given them weight and authority with the people, he has been driven to resort to many expedients not sanctioned by law.

"The present planter might say that the indigo planting system, as conducted by Europeans, sprung up in the troublous and anarchical times which succeeded our assumption of the Dewanny; that, at the outset, it was fostered by the Government of the East India Company, whose agents were the most voracious and unscrupulous of adventurers; that factories and factory property have in many cases descended as hereditary vested rights to the present possessors, and that in working out a previously established system, not of their own devising, they have had to contend with the stubborn genius of old conservatism, to grapple with the enormous difficulties arising out of their own anomalous position in the eye of the law, the complicated and inextricable claims of zemindars and ryots, and above all, the delays and indescribable chicaneries connected with the police and mofussil courts."

The Lieutenant Governor has appealed to Dr. Duff. Let this impartial man be judge between us. He has stated the evils; he comes now to inquire the remedies. Every word of the following is a condemnation of the acts of the Calcutta Secretariat :—

Sic in orig.

"What these should be may well puzzle the genius of highest statesmanship. And were we to wait till some one arose to propound a comprehensive scheme, embracing all details, and providing for all wants, we might have to wait for ever. But, because such a scheme is hopeless of attainment now, that is no
reason

reason why, with a steadfast aim at an ultimate high standard of right in all departments, a series of tentative efforts should not be commenced at once; each, right and safe in itself, and tending by its success to pave the way for further and decided progress towards the desired goal. Here, however, it is proper to premise, that there are plainly some things which ought not to be done at all. The civil history of England, for the last four or five centuries, with its statutes of labourers and sumptuary laws, its charters of monopoly in commerce, and exclusive privileges in corporate trades, with all its other officious intermeddling attempts to direct and regulate the channels and profits of capital and the wages of labour, must sufficiently guard the Government against the precipitate adoption of any of those more specific, extreme and summary measures, for which interested parties on either side might naturally be disposed to press.

Sic in orig.

“A thorough reform of the demoralizing system of our native police and mofussil courts, is still imperatively demanded. Without such reform, independent capitalists, as well as the masses of the people, will, as heretofore be practically without law and justice; life and property, and personal honour will be insecure; with such insecurity, capital cannot materially increase; the resources of the country cannot be adequately developed; the condition of the common ryots and labourers cannot be properly improved; amid fields of superabounding and inexhaustible fertility, there will be ignorance and poverty, with their teeming brood of fears, jealousies, anxieties, strifes, deceit, violence and wrongs. This is no idle declamation; it is no exaggerated picture; it is simply a feeble attempt to embody in words the result of innumerable impressions derived from a vast variety of sources through the long period of 30 years.”

Upon the subject of what Dr. Duff calls “the famous perwannah,” Mr. Eden’s proclamation, Dr. Duff says:—

“I am bound to confess, that in view of the lessons of past history, I considered it as defective in explanatory matter and precautionary monition; it announced only a simple truth, that the ryots were really free, and fairly entitled to exercise their rights as freemen; but it did not sufficiently provide for the contingent result of such an announcement falling suddenly and nakedly from authority, on minds ignorant, ill balanced; minds in an irritable, inflammable, and highly resentful state. Indeed all things considered, we have good reason to be thankful that the explosion was not of a more violent and destructive character.”

This is what the Rev. Dr. Duff thinks the perwannah ought to have been:—

“Once more, to clear away the absurd fantasies and illusions which are ever apt to prevail among the people of Bengal, Government might, in some authorized way, notify plainly to all, what its proper functions really are; that its business is to uphold the natural and acquired rights and liberties of all classes of men, neither allowing these to be violently interfered with, nor by their being abused to interfere with those of others; that while it has no direct interest in indigo, any more than rice or sugar plantations, or cocoas, neither has it any antipathy to the growth of it any more than to the growth of those or other products; that the rent of the beegah for indigo culture, the price of the bundle, the hire of carts and ploughs, the wages of labour, must all be left to be regulated and determined by the unalterable economic law of supply and demand, which cannot be traversed with impunity any more than the ordinary laws of nature; that capital and industry are alike free; that to compel the labourer to labour for less wages in one department than he could earn in another, or to compel the capitalist to employ his capital in any department with less profit or advantage than he might derive from employing it in another, would be a contravention of the best established economic laws; that he who has capital, therefore, whether large or small, in money or in lands, in carts or in ploughs, in bullocks or in goats, may employ or dispose of it freely, according to his own apprehensions of what is most subservient to his own interests, and that he who has no capital but the labour of his hands, may also as freely dispose of it to the highest bidder, or the payer of the highest wages; but that a bargain, agreement or contract, being once freely, and without compulsion, entered into, whether by capitalist or labourer, it is the duty of Government to see to it, under the sanction of pains and penalties, that such bargain, agreement or contract, be fairly and honestly fulfilled.”

“I have,” says the Reverend Doctor, “purposely refrained from entering into details. Pregnant suggestion will be found in the volumes of the Lords’ Com-

mittee already referred to, and a free conference of non-official men; practically conversant with the subject, zemindars, and other intelligent native gentlemen, Europeans alike lay and clerical, could scarcely fail to elicit much valuable matter which might have wholly escaped Government officers, bred up under the existing system, and moulded in their judgments by its stereotyped routine. There is, however, one measure which seems capable of immediate adoption, and which, if adopted, would confer incalculable benefits, and that is the establishment of small cause courts within reasonable distances over the whole land; and wherever there is a small cause court, there ought to be a branch of the savings bank alongside of it, to help to create and foster salutary habits of economy and forethought; and why might not some stringent law be at once passed to enable judges and magistrates to deal in a way of summary severity, with some of the more glaring curses of the mofussil, perjury, the systematic manufacture of false testimony, the forging of documents, and the vamping up of fictitious suits?"

We wish, Sir, that the observance of any reasonable limits, would permit us to quote the whole of the 17 folio pages of this admirable paper. It is one of the very few really valuable papers which have been written upon India, although it is, we think, sometimes rather severe upon us; its author does not shrink from telling the truth as to our oppressors. We, who do not pretend to be perfectly pure, and perfectly guiltless in the midst of a lawless population, and under a terrible system of misgovernment, do not quail before the truth as it is here spoken. Let the world read this paper, and it will be seen that it recommends all we ask; that it assigns every vice that has ever been discovered in our system, to the greater vices of the Government, and that it condemns, even as we condemn, the acts which have brought destruction upon our property, and destitution upon the indigo districts of Bengal.

Let this great missionary be our legislator, and we would be content. We would ask only one thing more, and that is, that future Lieutenant Governors should be English statesmen, bred in the knowledge of English laws and English freedom; and that if the Civil Service of India are still to be our judges and our rulers, they may at least act under the direction of men who have been accustomed to recognise in their countrymen a right to equal justice.

Thus far, Sir, as to the vague imputations which this Minute casts upon us of acting with oppression towards our ryots.

Having now disposed of the main points in the Lieutenant Governor's Minute, we here close our reply. It is an ungracious task to address English readers upon Indian subjects. They are not only uninformed, but incurious, and the result is that they are at once incredulous and confiding. They have not even the knowledge which creates a conscience in such matters. There is nothing to prevent their believing absolutely what they desire to believe, and discrediting absolutely what they desire to discredit. Now, after we have demonstrated the character of this State paper, after we have shown from irrefragable proofs the animus of the writer, his habit of citing charges and suppressing refutations, the small opportunity he has had of verifying the conclusions he offers, and the inherent inconsistency of the document he has written, there may yet be some official and even non-official minds to whom the unsupported assertions of a Lieutenant Governor will be more probable than the complaints of private individuals, although fortified by proofs and corroborated by great public disasters.

Few will read this memorial. Even the holders of Indian funds whose property is put in jeopardy, will, for the most part, turn aside from the subject as too large for them to enter upon. Parliament itself will shrink from the responsibility of direct interference, not because Parliament does not care for India, but because Parliament has a prompting instinct which tells it that India is a subject with which popular assemblies 15,000 miles away, and of different language, religion, and race are incapable of effectively dealing. But as Parliament and the public, Sir, will listen to you with a tendency to repose in your authority, and to accept your responsibility, we trust that you will, in the exercise of your duty, investigate this great subject, and hear both sides with that impartial patience which the gravity of the case demands, before you take final action upon it. We are sanguine that you will discover that the result of the policy, if not the aim and object of an influential section of officials in Bengal, must be to drive away from their sphere of government all independent European

European industry. But however this may be, we do most earnestly hope that you will not be deterred from giving effect to the proofs we bring before you. We ask for no partiality and no favour, but we do ask for a patient hearing and for justice. If it should unhappily occur that, dismayed by the magnitude of the subject, you should surrender yourself to the influence of the party alluded to, we shall perish first, but from that moment you must be prepared to see all other Indian interests follow. While you and the English people are learning to form a judgment upon these matters, and are discovering the necessity of doing equal justice to all Englishmen, whether of the official or non-official classes, capital will be driven away, the finances will be irretrievably involved, and Great Britain will find her Indian empire only an intolerable burden.

And now, Sir, on the part of the great and suffering body which I represent, I submit this our case to you and to our countrymen.

I have, &c.

(signed) *D. Mackinlay,*

Chairman of the Landholders and Commercial
Association of British India.

Office of the Landholders and Commercial
Association of British India,
8, Craig's-court, Charing-cross, London,
April 1861.

A P P E N D I X.

REPORT of an Interview between the Governor General and a Deputation of the Indigo Planters' Association at Calcutta on the 4th of March 1861.

A DEPUTATION from the Indigo Planters' Association waited by appointment on the Governor General on Monday afternoon, the 4th March 1861.

The following gentlemen composed the deputation:—Messrs. George Brown, A. Walker, J. P. Wise, T. M. Robinson, W. Moran, E. Prestwich, W. Scott, R. T. Larmour, Henry Mackenzie, and W. F. Fergusson, and they were received by his Excellency the Governor General, Sir Bartle Frere, the Honourable Mr. Laing, the Honourable Mr. Beadon, the Lieutenant Governor of Bengal, Mr. E. Lushington, the Commissioner of Nuddea and Jessore, Mr. Herschel, the magistrate and collector of Kishnaghur, Mr. Wigram, the magistrate and collector of Jessore, Mr. Bainbridge, magistrate of Pubna, and Mr. W. Grey, Secretary to the Government of India.

Mr. Fergusson read the following minute, embodying the objects and views of the Association in seeking the interview.

The deputation of the Indigo Planters' Association who have sought this interview with your Lordship, do not do so with any request that Government should assist them as indigo planters, or interfere in any way between them and the ryots as to indigo planting.

That, they fear, has now in most concerns in Lower Bengal reached a stage beyond any help that the Government would give, but another and more serious question has arisen in the destruction of our property, consequent on the refusal to pay rents, and the danger to life from the combination of the hundreds of thousands of natives against the few and scattered Europeans, and from the systematic and increasing hostility to which the few people and servants who have adhered to Europeans are exposed.

It is here necessary for us to assert, in the broadest and most emphatic manner, that the published statements of Mr. Lushington, the Commissioner of the districts of Kishnaghur and Jessore are incorrect.

He is either ignorant of the actual state of facts when he says that the ryots are everywhere willing to pay their rents, except when they are afraid of being coerced into undertaking indigo cultivation, or he has misrepresented the matter. They are willing to believe the former to be the case, and that he has been misled by the representations of Mr. Herschel, the collector and magistrate of Kishnaghur, and of parties interested in deceiving him.

We assert, and are prepared to prove that the refusal to pay rents to Europeans in Kishnaghur and Jessore is nearly universal, and quite independent of indigo; we believe that this and the persecution of the people attached to the factories, is for the purpose of driving

Europeans out of the Mofussil; and we have further to express our belief, that unless this combination is put down our opponents will succeed in doing so.

With a community banded against us, incited and encouraged by plunder (and seizing and holding land without paying rent to the proprietor is nothing less), it is an idle mockery to refer us to the ordinary courts of justice for redress. The most just and simple claim is contested and delayed by every means that the forms of law will allow; perjury and forgery are unscrupulously used against us. If a decree is obtained and execution attempted, the purchasers of the property are marked and hunted down, and, in short, the laws are inoperative.

We believe that the encouragement given by the officials of the Bengal Government to the repudiation of indigo engagements is the cause of this lamentable state of affairs, that the ignorant and credulous ryot, not able to distinguish between one liability and another, and finding himself, as if by authority, freed from his indigo engagements, is trying how far he may go in the same direction with rent, and is rapidly progressing to the repudiation of all obligations.

Some of the gentlemen here present will detail to your Lordship facts which have come to their knowledge in elucidation and support of these allegations.

In such a state of affairs we feel warranted in asking that special commissioners, with extraordinary powers, be appointed to the districts where there is this disorganization.

That such commissioners shall have full powers to compel ryots to pay rents and to execute and carry out decrees, that they shall have powers to punish combination and conspiracy and maltreatment of factory servants, and that such commissioners shall be appointed by, and shall communicate direct with the Supreme Government.

Calcutta, 4 March 1861.

For the Indigo Planters' Association,
W. F. Fergusson, Secretary.

Mr. Larmour, manager for the Bengal Indigo Company, proceeded to state that the collection of rents throughout the extensive concerns under his supervision, had now entirely ceased, the ryots positively refused to pay another rupee; that his arrears of rents exceeded one lakh of rupees; everything possible had been done to conciliate the people, advantage had been taken of the Commissioner's presence in the district during the past three months, and although the ryots had promised him to pay they had failed in doing so. Since the cessation of the payment of rents, the ryots assumed a much more hostile spirit towards the factories, although they were not being asked for rents, nor was any allusion made to their sowing indigo, still they adopted a system of vexatious annoyance, bringing false cases against the servants, threatening all parties who were friendly to the concerns, burning down the sugar cane belonging to the factory coolies, offering every insult to their women, and during the past week have not hesitated to assault them. Nothing now would appear to satisfy the ryots but the entire removal of the European from the Mofussil.

Mr. Larmour a few days since, when riding along a public road, where he has been in the habit of going for the past eight years, was told he could not pass and must return; the country was thoroughly disorganized, and unless immediate steps were taken to restore authority and order, Mr. Larmour felt certain it would be unsafe for either his assistants or himself to remain at their factories.

Mr. Larmour stated that the refusal to pay rents was caused by the belief (which every native from north to south entertained) that it was the wish and intention of the Lieutenant Governor, Mr. Grant, and his magistrate, Mr. Herschel, to drive all Europeans out of the district; that the immense indigo interest had already been totally ruined, and that the landed property must follow.

That the present law for the recovery of rents was quite ineffectual; that although decrees might be had, still the recovery of the rents, from the present combination, was impossible; no sooner would a suit be entered against a ryot than his property would be removed to another part of the district, and were his house or lease put up for sale no man would dare to bid for them; that Act X. was never made to meet the present crisis—a general repudiation of rents. Mr. Larmour illustrated the working of this Act in Bejoollee concern in Jessore. From September until January 307 cases had been instituted and decrees obtained for 2,800 rupees; up to date only 1,089 rupees had been recovered; and the cost of instituting these suits had been 1,200 rupees; so far from recovering the rents, Mr. Larmour was actually out of pocket 111 rupees after six months' litigation. Mr. Larmour had to pay his rents to the zemindar on 30th of every month, and the Government every three months.

Mr. Larmour had brought to the notice of the Commissioner, when at Bongong on 12th February, that cases under Act X. had been pending in the court for three months; and he also showed that the hearing of cases was fixed in the lower court on a date two months after the suit being instituted. After the case is heard there is the appeal, which would occupy another two months. Mr. Larmour fully explained the utter impracticability of realising the amount of the decrees where a monster combination existed from one end of the district to another to resist the payment of rents.

Mr. Larmour gravely impressed upon the Government the immediate necessity for some action to check the alarming state of the district before it would be too late; he read a proposition which he would make to Government, offering to deposit in their hands two lakhs of rupees

rupees (20,000 l.); the Government to appoint a commissioner with special powers to call in the ryots and insist on their paying up their rents according to the rent roll of last year; and should they refuse to do so, troops to be quartered in the village until the rents were paid.

Should the commissioner find that Mr. Larmour had in any instance demanded rent in excess of what he could prove he was justly entitled, the excess paid should be returned ten-fold. Mr. Larmour considered that it was imperatively necessary an officer should go direct from the Supreme Government, and so act as to prove to the ryots that they must pay their rents, and that it was not the intention of the Government to drive out the European. Mr. Larmour considered the present local officers as without any influence or authority in the district; he instanced the inability of a magistrate to get a couple of carts to carry his baggage from one encampment to another.

Mr. Larmour explained that the native zemindars were also unable to collect their rents, that every advantage was taken of the disorganised state of the country to gratify old grudges; that one native zemindar was supporting the ryots of another in refusing payments of rents; there was no law to reach the ringleaders of the present combination, and Mr. Larmour prayed that the special commissioner should have the power to punish these men who have taken possession of the landed property of the districts; he felt sure many ryots would be glad to pay their rents if it were once shown that there was some government authority in the country.

Mr. Larmour stated his difficulties as to his being able to retain any servants; they were gradually leaving him, believing that to remain in his service might cost them either their houses or their lives, some of his servants having died very suddenly, and others had their houses burnt down under suspicious circumstances.

Mr. Larmour, in explaining a map produced, which showed the district in which a refusal to pay rents existed, pointed out to Lord Canning an extensive tract of country in the south-west part of Kishnaghur, a district reputed to be the garden of Bengal, where there were villages without scarcely an inhabitant and miles and miles of rank jungle as high as before a European had come to India. Mr. Larmour added that his indigo cultivation extended just to the eastern line of this uncultivated tract. In the course of his remarks Mr. Larmour stated that he only claimed from his ryots eight annas per biggah for the land which, according to the authority of Mr. Grant, yielded a rent of three rupees per biggah, and still his ryots now refused to pay, so that the excuse of excessive rent demanded fell to the ground; he also stated that he held in lease villages, the collection of which amounted to two and a half lakhs of rupees; no increase of rents could be demanded by Mr. Larmour from these ryots, and they also had refused payment.

Mr. Larmour was most decidedly opposed to the proposition that his rents should be paid to the collector of the district by his ryots; he showed that such a course would be to destroy the value of the property and quite put him aside as a landholder; he expressed himself warmly to the effect that no government in the world would think of such an act. Mr. Larmour concluded by pressing on the Government immediate action to restore authority and order, and also to recover for the landholders their property, of which they were now forcibly dispossessed, and stating most emphatically that this could only be done at all, if done at once, and by an officer direct from the Supreme Government; that it was useless to attempt anything through the present authorities; that new blood was absolutely necessary.

Mr. Henry Mackenzie, of the Jingerghatta concern, fully corroborated all that had been said by Mr. Larmour as to the present difficulty of realising rents. His property was but a small one, situated in both the districts of Jessore and Kishnaghur, the head factory being within eight miles of the former station. In consequence of his representations, Mr. Lushington, the Commissioner, had visited his place, and had urged the ryots to pay their rents. They only answered the Commissioner evasively; and, though quite able to pay up, had not done so; and on his small property were now some 30,000 rupees in arrear.

He had been obliged to borrow money to pay up the Government revenue, but he feared that this would be no longer practicable, and that he would have no alternative but to sell his property, perhaps for a fourth or fifth of what it was worth, to repay the money he had borrowed to meet the demands of Government, and he would thus be brought to the verge of ruin, in consequence of the combination against Europeans, and from being unable to obtain redress from the courts or from a government.

Mr. Mackenzie added, that with him it could be no question about indigo; that since last season he had abandoned the cultivation and business entirely, and had merely been seeking to realise the rents justly due to him; that every device had been resorted to by the ryots to defeat his claims in courts and elsewhere, that his stamp or seal had been forged, and that upwards of 70 forged receipts for rent had been filed in court, so well executed that, but for collateral evidence, they would have defied detection. Some parties implicated had been committed by the Collector for this crime.

Mr. George Brown stated that he could fully corroborate all that had fallen from Mr. Larmour in regard to the combination that existed against the payment of rents, and the hostile feeling on the part of the ryots towards the European residents in the Mofussil. He instanced the state of the Nuseebshy concern, in which he was directly interested, and stated that, up to the end of last indigo season, everything was perfectly quiet throughout the property, that the season had been a most successful one, and that the indigo had been made without difficulty. Since then a feeling of the worst description had sprung up

amongst the population, and which was daily growing from bad to worse; that scarcely a beegah of indigo had been sown, and that rents were greatly in arrears; that a system of intimidation prevailed, showing itself in the persecution of the servants of the concern, and rendering it impossible to obtain witnesses in any suit or action against a ryot. That only very lately a gomastah of the concern, who was on his way from one factory to another, had been waylaid, his nose and ears nearly cut off, the greatest and grossest indignities heaped upon him, with a view to destroying his caste, and so ill-treated as to endanger his life. That Mr. Tottenham, the magistrate, had investigated the case on the spot, but that from the impossibility of getting parties to give evidence, one individual only had been convicted, and condemned to imprisonment. He also gave another instance of one of the factory servants having been shamefully maltreated and threatened within view almost of the house of the manager.

Mr. Brown further stated that his firm, Jardine, Skinner & Co., represented the indigo concerns of Messrs. Robert Watson & Co., of which they were the managing agents in this country; that, although matters had not reached so serious a state of disorganization there, as was the case in other places, yet the evil was gradually making its progress towards them; that parties in England were largely interested in the undertaking, which annually circulated throughout the property upwards of half a million sterling, and the rent collections of which exceeded 100,000 £. That they and others interested in it could not but view with the greatest alarm the state of affairs in the Mofussil, which called for extraordinary measures on the part of the Government, and which, in his opinion, could not be effectually carried out except by the appointment of special commissioners in the disturbed districts, with summary powers, derived from the Supreme Government direct, to deal with the existing difficulties, as prayed for by the Planters' Association.

Mr. T. M. Robinson read several letters from Mr. Kenny, of the Salgamudea and Meerpore concerns in Pubna and Jessore, reporting several acts of violence and intimidation towards his servants, witnesses who had given evidence in his favour in any cases, or ryots who were favourable to him. Mr. Kenny stated that matters were becoming daily worse in his quarter; that, though Mr. Lushington had efficiently done what he could by speaking to the ryots, and desiring them to pay their rents, no sooner was his back turned, than they became worse than ever. One of the leaders told the ryots that they were fools to pay; that it was not the Commissioner who had spoken to them, but only a railway saheb; and, subsequently, Mr. Kenny was not able to get in a rupee of his rents. Mr. Kenny also reported acts of violence committed on factory servants, seen by Europeans, which they were powerless to prevent, and regarding which it would have been useless to complain to the authorities, as, in all probability, they would themselves have been accused of the acts of violence on the oaths of hundreds of ryots, the actual perpetrators of the outrage.

Mr. Robinson read letters containing similar statements from Mr. Hills, of Neeschindipore, Mr. Sibbold, manager of Hurrah and Nundunpore, in Kishnaghur, and from Mr. M'Arther in Jessore, both declaring that matters were daily becoming worse, that payment of rents had ceased, that the ryots were neglecting their own cultivation, wandering about in an excited state, attending what they called committees, and that there was no saying to what length they might at any moment proceed.

Mr. Robinson produced a statement from Mr. Stuart, of Nohutta, Jessore, showing that out of 29,000 rupees of rents due, he had only been able to collect about 1,300; and he had entered suits against the defaulters, and prosecuted them most diligently in person in the courts.

Mr. Robinson concluded by saying that another heavy instalment of revenue was about to become due to Government, that the planters had no means of meeting it now that their collections were stopped, that their agents in Calcutta could not possibly continue to go on finding funds to pay Government, and that unless the Supreme Government promptly and decidedly interfered for the protection of their property and rights, European settlers would be driven out of the country.

Mr. A. Walker said that he could confirm what had fallen from the gentlemen who had spoken previously as to the impossibility of collecting rents. In the extensive concerns in Lower Bengal, for which his firm acted as agents, the same difficulty was experienced as had been mentioned by others, and they had had to provide funds to meet the Government demands, and to save the properties from being sold.

He expressed his firm conviction, that the existing courts and the present officials were insufficient to meet the crisis, and to put down the combination, and that unless the Supreme Government interfere promptly and energetically, he saw no chance of Europeans being able to retain their property, and hold their possession in the interior of the country.

The Governor General asked if anyone had further representation to make, to which it was replied that there had not been time for other planters to come down from the Mofussil; that the other gentlemen present were resident in Calcutta, and could only speak from the contents of their letters, which confirmed all that had been said.

The deputation then retired without any remark being made by his Excellency.

LETTER from *T. J. Kenny, Esq.*, an extensive Landholder and the Proprietor of several Silk and Indigo Factories in *Bengal*.

Salgumudea, 11 March 1861.

FROM bad to worse is the order of the day in this part of the country. I should have kept you informed of the state of affairs in this neighbourhood, but have had so much to do, and been so worried, that I really could not spare time to write to you.

Some days ago, you published an account of the manner in which the gomastha of Sud-doordee factory had been treated by the ryots; since then one of the Hislebut concern gomasthas was beaten severely and dragged across a maidan, until he had scarcely any skin left upon him.

One of the Joradah servants was attacked within sight of Joradah House, knocked down, beaten until almost dead, and then dragged across a plain for about a quarter of a mile. He was then taken away in a "jokka" (a large basket such as earthen pots are carried in), and removed from village to village for some days, until traced by the police and released from the house of a ryot in the Sindoorree line.

Six days ago, the house of one of my Salgumudea servants was attacked by a number of armed ryots, who dragged him forth, beat him, tied his hands and feet, and gagged him, and then pulled him across ploughed lands for several hundred yards. The state in which the poor fellow was, when brought before the magistrate, was most pitiful; his back from waist to neck was swollen to the shape of a bent bow, owing to the manner in which he had been beaten with bamboos (keel mara), the skin was stripped from his elbows, hips, knees, and ankles, and even now he is scarcely able to walk.

Well may the ryots ~~say that they have discovered a new method of mooëing lands.~~ Human beings used as mooëes!

As to the burning down of houses and waylaying our servants, they are of daily occurrence. The house of one of my servants, who resides within 300 yards of this factory, was burned down a few nights ago. Last night, the house of another man in the same village was burned down, and later during the night an attempt was made to burn down some more; fortunately, the ryots have been on the alert, or the whole village would have been destroyed. The ryots of this village have taken indigo advances, and for having done so they are to be ruined. One of my servants was waylaid when on his way back from the Dhurrumpoor Moonsiff's Court, the day before yesterday. He was knocked down, trampled upon, and then carried away by the ryots, who took him to different villages during the night. Yesterday, the police got information of where he was kept, and brought him away.

It may be asked, how is this state of affairs to end? I know of but one reply; Europeans must leave this part of the country. We may struggle on for some time, but unless the Government takes the matter in hand promptly, we must give up our properties and leave. Our rents are unpaid, our villages altogether in possession of the ryots, as none of our servants dare go near them, and I am much afraid that, a short time hence, we shall be without a single zemindaree or factory servant, as they are all afraid of being waylaid and beaten, or having their houses burned down.

The great centre of agitation just now, is the maidan of the Dhurrumpoor Moonsiff; hundreds of ryots assemble there every night, and are no doubt well advised.

Sir,

India Office, 18 May 1861.

I AM directed by Sir Charles Wood to acknowledge the receipt of the memorial of the Landholders and Commercial Association of British India, dated April 1861, under your signature as Chairman of that body.

2. The object of the memorialists in presenting this memorial, is to submit to the Secretary of State for India a reply to the Minute of the Lieutenant Governor of Bengal on the Report of the Indigo Commission appointed under the provisions of Act XI. of 1860, of the Indian Legislature.

3. On a careful consideration of the statements of the memorial, Sir C. Wood sees no reason to modify the opinion expressed in his Despatch to the Government of India, dated 8th April last (a copy of which has been laid before Parliament), "that the conduct of the Bengal Government and of its officers generally, in the transactions under consideration, has been marked by a strictly impartial administration of the law, and that the Lieutenant Governor was justly entitled to the full and cordial support afforded to him by the Government of India."

4. A considerable portion of the memorial is occupied with endeavouring to show that the cultivation of indigo by ryots, as carried on in Bengal, is profitable

able to the ryot. That the reverse, however, is the fact, is not merely the opinion of the Lieutenant Governor, but the conclusion at which the whole of the Commissioners have arrived, on a mass of evidence including that of some planters themselves, which appears to Sir C. Wood to leave no room for doubt on that point.

5. I am further directed to observe that the statements of the memorial respecting the cultivation of opium and the manufacture of salt, and the condition of the ryots engaged in the production of these articles, are at variance with the evidence on the subject appended to the Report of the Commission.

D. Mackinlay, Esq.,
8, Craig's Court, Charing Cross.

I am, &c.
(signed) *Herman Merivale.*

EAST INDIA (INDIGO CONTRACTS).

COPY of the MEMORIAL of the Landholders and Commercial Association of *British India* to the Secretary of State for *India*, in Answer to the Minute of the Lieutenant Governor of *Bengal* on INDIGO CONTRACTS; and the Answer thereto.

(*Mr. William Ewart.*)

Ordered, by The House of Commons, to be Printed,
28 May 1861.

287.

Under 8 oz.

EAST INDIA (INDIGO).

RETURN to an Address of the Honourable The House of Commons,
dated 15 May 1861;—*for*,

**“ COPY of any further ORDERS and CORRESPONDENCE relative to the DISPUTES
between the INDIGO PLANTERS and RYOTS of *Lower Bengal*.”**

India Office, }
28 May 1861. }

J. HAWKINS,
Secretary, Judicial Department.

(*Mr. Vansittart.*)

Ordered, by The House of Commons, to be Printed,
30 May 1861.

COPY of further ORDERS and CORRESPONDENCE relative to the DISPUTES
between the INDIGO PLANTERS and RYOTS of *Lower Bengal*.

Home Department.—Judicial.

(No. 16, of 1861.)

To the Right Honourable the Secretary of State for India.

Sir,

• No. 8, dated
1 February 1861.

IN continuation of our letter (No. 5) dated the 10th ultimo, we have the honour to forward the special narrative of the proceedings of the Government of Bengal noted on the margin,* reporting further proceedings connected with the indigo excitement in Bengal.

We have, &c.
(signed) *H. B. E. Frere.*
C. Beadon.
S. Laing.

Fort William, 4 February 1861.

(No. 8, of 1861.)

Government of Bengal.—Judicial.

SPECIAL.

Letter from the Officiating Commissioner of Nuddea, No. 5, dated 8 January 1861.

Letter from the Officiating Commissioner of Nuddea, No. 41, dated 8 January 1861.

Letter from the Officiating Commissioner of Nuddea, No. 13, dated 15 January 1861.

Letter from the Commissioner of Dacca, No. 2, dated 9 January 1861.

IN continuation of the Judicial Narratives, Nos. 1 and 2 of this year herewith are forwarded, for the information of the Right Honourable the Secretary of State, copies of reports from the magistrates of Baraset, Nuddea, Jessore, and Furreedpore, on the state of their respective districts in connexion with the excitement on the indigo question, from personal observations made by them in their cold-weather tour through the interior of their districts.

2. It will be seen, from these reports, that the state of the district of Baraset, as regards the question of indigo cultivation, is more quiet at present than it has been for years.

3. In the districts of Nuddea and Jessore the strong excitement lately prevailing amongst the agricultural population against the cultivation of indigo is said to be gradually settling down, and planters in some parts are said to be recovering their former position.

4. In regard to combinations among ryots to withhold the payment of rents, complained of by several planters, zemindars, the report of the magistrate of Nuddea shows that this difficulty had arisen owing to the indigo and rent questions being in some degree treated together, and that on the whole there did not exist what might be called a "combination to withhold rents." On the contrary, several ryots complained to the magistrate of the difficulty of getting their rents taken by the planters. The magistrate of Jessore ascribes the refusal to pay rents partly to a feeling of hostility to the planter zemindar, and partly to a fear on the part of the ryots of going to the factory to pay their rents. Wherever such oppositions were found to exist, the personal representations of the magistrates, and the prompt disposal of suits brought under Act X. of 1859, have had beneficial results.

Letter from the Commissioner of Nuddea, No. 11,

5. Herewith is also forwarded, as an addendum to the correspondence reported in para. 10 of the Judicial Narrative, No. 63 of 1860, a copy of a report from the Officiating Commissioner of Nuddea, showing the result of the further inquiries made

INDIGO PLANTERS AND RYOTS OF LOWER BENGAL. 3

made into kubooleuts or agreements filed in cases under Act XI. of 1860 in that district. The statement appended to the report is deserving of serious attention. dated 14 January 1861.

(signed) *W. S. Seton-Karr*,
Officiating Secretary to the Government of Bengal.

Fort William,
1 February 1861.

MEMORANDUM from *E. H. Lushington*, Esq., Officiating Commissioner of the Nuddea Division (No. 5 Ct.), dated the 8th January 1861.

FORWARDED, for the information of Government, in continuation of this office letter (No. 342 Ct.), dated 28th ultimo.

From *C. J. Mackenzie*, Esq., Officiating Magistrate of Baraset, to the Commissioner of the Nuddea Division (No. 3), dated the 5th January 1861.

Sir,

IN addition to the diary of my tour submitted already, and with reference to Government letter (No. 6427), dated 20th November last, forwarded with your docket (No. 180 Ct.), dated 8th ultimo, I have the honour to report that I consider the state of this district, as regards the question of indigo cultivation, to be more quiet at present than it has been for years.

There do not appear to be any fear entertained that disturbances of any kind are likely to occur.

MEMORANDUM from *E. H. Lushington*, Esq., Officiating Commissioner of the Nuddea Division, (No. 41 Ct.), dated 8 January 1861.

FORWARDED to the Officiating Secretary to the Government of Bengal, for submission to his Honor the Lieutenant Governor.

From *W. J. Herschel*, Esq., Magistrate and Collector of Nuddea, to the Officiating Commissioner of the Nuddea Division, (No. 8 Ct.), dated 7 January 1861.

Sir,

I HAVE the honour to submit the following report on the state of the district, as I have observed it in my cold-weather tour, up to the close of the year.

The line of our * march lay together from the south to the north of the district, and has led through the most interesting part of the zillah. In the southern portion, that is in the Ranaghat neighbourhood, there has been less excitement than elsewhere. Indigo apart, it is by far the most populous and wealthy quarter of the zillah. Its people are in daily communication with Calcutta; its zemindars are the richest, and reside most on their estates; and its trade is the most important in the district. I found it as tranquil as usual, and even the native indigo planters, who are most numerous there, had little to say about their ryots. The cultivation seemed to be going on as usual, but the inquiries which were made about the best way of registering contracts showed that the relation of the parties was not altogether reliable. Rents, I found, were collected with very little more trouble than heretofore. Act X. of 1859 has been in operation now one year and a quarter in the neighbourhood of Calcutta, but in a perfectly rural district, where the ryots have had a grand opportunity of pushing their rights, if they cared to do so; but even the zemindars have ceased to complain of the clause prohibiting compulsory attendance, and confine their objections to the "12 years' occupancy clause." I was glad to find that the railway was proceeding very quietly. There had been signs of opposition from the natives owing to the

* I joined Mr. Herschel's camp at Ranaghat, and we marched in company as far as Kooshtea, and again from Shikarpore we marched together to the station.

(signed) *E. H. Lushington*,
Officiating Commissioner.

10 January 1861.

usual causes. A very slight check, however, has been sufficient to restore order, and I heard no complaints while at Ranaghat.

It is only in the northern part of the district that complaints are frequent. The Bengal Indigo Company's Concern was the first we crossed, and, though nothing was pressed on us about rents or combinations in Mulnauth or Khalbolia, we found Mr. Larmour apparently in great difficulties in the Loknathpore, Sindoree, and Golder Concerns, which have lately passed under his charge. These three, and the Katcheekatta and Joradah Concerns, have passed through the utmost excitement, and on this ground I was quite prepared to find that non-payment of rents was an act of retaliation on the part of the ryots, as asserted, though on every other ground I was prepared to find that the stoppage of rents was as much the act of the factory as of the ryots. This requires that I should refer to the rise of the dispute. From the very first opening of the rent question, *i. e.* from the close of last indigo season, the ryots have assumed the position of plaintiffs in this matter. Default of rent had indeed been made a matter of complaint in single instances by planters before that; but collections had evidently been in abeyance for some months past, in consequence of the press of other business; and the rent question, as succeeding the indigo question, took its first distinct form in the shape of petitions from the ryots to be allowed to deposit their rents in the collectorate, or for orders upon the zemindars to take the rents, or to appoint gomashtas to do so, recording their names in the collectorate, &c. These petitions were not always free from mischievous tendency. The ryots tried to assume a power of giving a veto to the selection of particular gomashtas. We cannot trust so and so, they would say, or we don't know where he lives, or who he is, or he may be disowned after taking our rents, &c.; and these objections were sometimes followed by the nomination of their own candidate, probably a seceder from the factory service in the late season, and a man of influence in the village. These petitions were presented invariably on the plea of saving costs and interests hereafter. In the absence of any law for such a contingency they were invariably rejected, and the ryots told to appeal to the zemindar himself, and to submit to his gomashtas without demur to the nomination. In some cases, where the circumstances seemed to allow it, I interfered, so far as to order the ryots to pay to the gomashtas whose names were filed by the zemindar, and the measure was reported to have had a good effect. But, in general interference was avoided as far as possible. Thus the question rested till about the middle of September, when, on the application of Mr. Hills, I sent Baboo Dwarkanauth Dey to Allumdangha to decide a batch of Act X. cases. His success (though overstated by the gomashta, as I am now informed) was considerable, and on reaching Allumdangha on the tour I found less complaint than elsewhere. Mr. Larmour made a similar application for Loknathpore, and a deputy collector was sent out, but the holidays prevented the institution of suits, and this officer was withdrawn again. A number of suits (some 60 or 70) had been instituted in the village of Patharghata (always a scene of contention), and came before me for trial. I went out in the hope of adjusting the matter, by trying the cases on the spot, but the result was most disheartening. The rents were due partly on Satbundee lands, which pay only according to the area cultivated, which therefore has to be measured before the rent can be fixed. The measurement papers filed in this instance turned out, on comparison with the fields, to be false; and such clear evidence was brought to show that the crops had never been measured at all last year, that I had no choice but to put the plaintiff on his trial for forgery. The ryots in this village had offered to pay up their rents by depositing them in court; and when going to the spot they admitted they were in arrears, and declared that the only reason why they did not pay was because excessive demands had been made from them. Meanwhile the October sowing season had come on, and the planters very naturally renewed their attempts to sow indigo. The terms offered have always been more favourable to the ryots than hitherto, some factories (as Mr. Hills') being, as far as an outsider can judge, liberal enough. Nothing like physical force is anywhere alleged to have been attempted; but as far as I can see the terms are always offered with an option of a penalty for refusal, depending on the circumstances of the case. Light rents, it is threatened, will be increased; short measurements, formerly winked at, will be rigidly calculated; tenants-at-will must look to be ejected; Mahajunee debts will be enforced; seed, grain, and rice will be refused; and, lastly, ryots in arrears must prepare to have an execution put into their houses.

houses. In none of these matters can any blame be laid upon the planter, who must be the best judge of his own interests in managing his tenants; but that one or all of these modes of pressure are being brought to bear upon the ryots is a fact beyond dispute; and it has always struck me as remarkable that complaints of the ryots' refusal to pay rents should be so frequent, while, at the same time, hopes of inducing them to take advances should be still entertained. In November Mr. Hills applied for a large number of deputy collectors. They were quickly on the spot, and decrees have been speedily obtained, and I have as yet heard of no difficulty in realizing them. However, I have no precise reports on this point, and can only say that, with a comparatively small number of suits, Mr. Hills has expressed himself very well satisfied with the result. While at Damoorhoodah, in the middle of December, I received reports from all the deputy collectors whose opinions I had asked as to the cause of obstruction. They were unanimous in saying that the ryots had no intention whatever of evading their debts. On our way up to Damoorhoodah little opportunity had been offered for examining the grounds of the dispute, but here Mr. Larmour pointed out the village of Goldar as one which had entirely defaulted. He filed a new seal before me, with a printed form of receipts for rent, and hoped thereby to remove the main objection of the ryots. A day or two later the Goldar ryots were addressed by yourself. They admitted their arrears without hesitation, and declared they were all ready to pay at once. The use of a seal and reliable receipts entirely satisfied them. You gave them a short lecture which they evidently understood in the way it was intended to tell, but you refused to enter into any question which arose between Mr. Larmour and the ryots as to the amount due. Two days afterwards we heard from Mr. Larmour that the rents had been paid up, except a small sum, and that the three concerns of Sindoorree, Loknathpore, and Goldar were now in order again. This result was so sudden and unexpected that I cannot reconcile it with the supposition that there was a "combination to withhold rents." It seems inconsistent to suppose that the ryots of three concerns, described as contumaciously withholding their rents, should be brought round in two days by a five minutes' conversation with the principal man of one village. I cannot help thinking that your refusal, both here and at Loknathpore, to interfere in any way beyond the barest warning to the ryots had as much effect in stopping complaints as the warning itself had in removing the grounds of complaint. A settlement being obtained, it was needless to inquire what the object of complaining was; but it is a fact, which I learnt without any inquiry, that indigo advances are being issued to a considerable extent by Mr. Larmour. The information was also volunteered to me by Mr. Hills that his advances were going on as favourably as he could expect. A few days after this I was asked by Mr. M'Nair, of Joradah Factory, to assist him in getting his rents paid. I went to Chogurree, and found the ryots in a state of considerable excitement. There was evidently a determination to get indigo sown by the villagers. Mr. M'Nair, indeed, avowed it, and seemed, from his late arrival from England, not to have comprehended the impossibility of my interfering in this matter. The rents, it was clear, were not paid, simply because indigo and zemindary accounts being balanced one against the other,* the ryots could not obtain a separation of the two. The old tehsildars, men of influence in the village, had been engaged on purpose to keep both accounts in one hand; and, as they declared for the ryots in the matter of indigo, though anxious to retain their posts, they had been thrown aside by the factory without being supplanted, nevertheless, by any other man. I offered to order payment of rents to any one whom Mr. M'Nair might name, and the ryots instantly agreed to pay him. Two days afterwards Mr. M'Nair sent me a sunnud re-appointing the old tehsildars. In this case I found good reason to believe that ryots amicable to the factory were in fear of the rest, and I gave them police aid accordingly; but in telling the ryots that the Government had taken notice of the rent question, and that they must be prepared for the consequences if they were found in the wrong, I met nothing but assent from them. I sent for as many ryots as I could find who had no connexion with indigo. They admitted that they were in arrears, and (small disputes apart) gave as their reason the fact, and a fact it was, that no one had been appointed to receive their rents. Nothing could show more clearly that the difficulty about rents was entirely owing to the difficulty about indigo, and that anything but the most cautious pressure on my part on one question would be pressure on the other as well, as long as the factory chose

* The payment of a 12-anna kist and the issuing advances for indigo both fall in December.

to keep the two under one head. At Allumdaigha, the next point of the march, there were fewer complaints about the rents, but the ryots, it was stated, refused to allow the new measurement of estates which Mr. Hills is introducing, and which, after hearing the ryots' objections, I had sanctioned. On speaking to the ryots, it appeared that their objection was to the use of the Government rope instead of the pergunnah rope hitherto in use. It appeared that no offer of any corresponding reduction of rates had been made by the factory, so that the opposition was perfectly natural. It was removed on my putting the matter before Mr. A. Hills, and the ryots, on being assured on this point, gave up opposition at once, actually overriding their leader, whom I recognised as an active agent in March last, and who wished to prolong the discussion. From Allumdaigha our march lay to Kooshtea. It was necessary to be exceedingly careful here, as complaints came in thick on hearing of our arrival. The rents were evidently in arrear, and there was unmistakeable opposition to the factory.

The indigo and rent questions were evidently treated together, and the ryots, while bringing bags of money before me, and offering to pay the rents in at once, objected to being compelled to take advances. Beyond generally warning them, it was impossible to act in the matter. To insist on the rents being paid separately, was simply to insist on their being received separately, and that was the same as prohibiting the planter zemindar from using one position to strengthen the other. In Shikarpore, where we next halted, complaints on both sides were almost as bad. The planter complained that he was unable to act against the combination; the ryots complained of active moral compulsion being used to make them sow indigo. Their rents were kept hanging over them, and they were being ejected from their lands. The aversion to taking advances was strong, and the attempt to get advances taken by the ryots equally strong. Indeed I am not sure that the ryots were not thinking about submitting, for I was asked, in evident doubt, whether it was my wish that they should sow or not. On the other hand, loud complaints were made by planters' people, and by a few ryots on the same side, that they were annoyed and threatened by the rest of the villagers and put out of caste. I, of course, strongly reprimanded the ryots on this point.

I must remark here that the connexion between the indigo and rent question appears from the above to be most prominent in the Joradah, Kooshtea, and Shikarpore concerns; that though there is enough to show that a similar connexion exists in Mr. Hills' and in Mr. Larmour's concerns, yet in neither did the ryots make it matter of complaint that advances were being forced on them. They complained of their inability to get their rents taken, of illegal measurements, &c. &c., but made no allusion to the question of indigo in connexion with them. The complaints were comparatively few, and both Mr. Larmour and Mr. Hills are succeeding in giving out advances to what they consider an encouraging extent, and they make very few complaints of ill-treatment of their servants. In the other three concerns named there is strenuous opposition to the advances, and open complaints that they are being forced on them on the one hand, and much complaint of violent treatment on the other.

On the whole, therefore, I cannot find that there exists anything which can be called a "combination to withhold rents." I have not heard a single native give any opinion but one, viz., that the ryots would gladly pay if they could. I find that indigo advances are steadily and quietly progressing in the two largest concerns, comprising half the district. After all that has happened in this zillah, I cannot reconcile this with the supposition that the ryots, having shaken off indigo, are now attempting to shake off their rents, or even to withhold them for a time. In the three other large concerns I find the state of affairs very similar to what the others experienced at an earlier date, though not so critical; and I see no reason to suppose that either party is following a new line of conduct, or has any new object in view.

As to the ill-treatment of factory servants, and difficulties in obtaining supplies, I have little to say. Servants are still occasionally ill-treated, but I have not heard of any present difficulty in the way of supplies. But, such as these evils are, I have seen nothing now which is anything but trifling compared to what happened six months ago, either in the violence or in the number of such occurrences. Wherever I had the opportunity on the tour I took occasion to make an impression on this point; but I beg to call your attention to the fact, that, with two definite

definite exceptions, all complaints on this score were made at those factories where the ryots complained of indigo advances being forced on them, and that it is therefore impossible to say under what provocation the ryots may have been acting.

Lastly, on the general feeling of the ryots towards Europeans. If it be hostile it must be inferred to be so from their manner, for I have already stated that I can see nothing in their actions which shows it; and as for their manners, I can only say what I am sure you yourself will have observed, that though one or two individuals of peculiar temper among them are captious, and even insolent, in the presence of the planter, such men are rare. Whether known as the magistrate, or when out on the fields, and totally unknown to the ryots, I have found them on this tour as respectful as I have ever known natives to be, and markedly more so than they were in March and April last, though even then several planters remarked the unusual deference shown to Europeans personally. They invariably repudiate the idea of wishing to get rid of the planter. Where the pressure is not great on them, they speak of indigo sowing as an open question, and without the violent terms of hatred formerly used. When taunted with the charge, they repeat the old answer, "Let the Sahib sit at home and hold Zemindary Cutcherry, or do Mahajunee, and we'll keep him comfortable; but we don't want advances." No one can wish to see the planter turned into a lazy zemindar, or to see his energy spent in counting out pice; but that is the native idea of comfort, and we cannot therefore refuse to allow some weight to such earnest protestations as these, when we see the powers which the planter possesses as Zemindar or Mahajun turned to that one object which the ryots profess to dislike.

I can quite confirm this, from some instances which were known to both of us, and from some to myself alone.

E. H. L.

I have not heard whether any *bè-ilaka* advances have been given this year, but I see that, on their own estates, the advances now being given out by the planters are accepted in the main under moral compulsion. I do not wish to interfere in this. Force is not attempted; and, as remarked in the orders of Government, neither European nor native can doubt that the cultivation of indigo is a matter of free choice; but the impression which I have now had confirmed is, that the moral forces of each party are so evenly balanced at present, but with a slight advantage on the side of the planter, that a very little interposition may turn the scale, and what may still be called a free choice now will soon cease to be free, except in the eyes of those who will have the power of imposing it.

I have delayed sending in this report for a few days, as I am aware that I started under the idea that the planters were already recovering their position in a manner at least not illegal, and that nothing but the most careful administration of the law was necessary to ensure a result as satisfactory as the machinery at our disposal allowed; but I have seen nothing since then to alter this opinion, and I still hope, with the increased staff in this district, to see that result attained.

From E. H. Lushington, Esq., Officiating Commissioner of the Nuddea Division, to the Officiating Secretary to the Government of Bengal (No. 13 Ct.), dated 15 January 1861.

Sir,

I HAVE the honour herewith to submit, for the information of the Lieutenant Governor, a copy of the report of the magistrate of Jessore, No. 28, dated 9th instant, on the present state of his district, in conformity with the orders contained in paragraph 4 of your letter No. 6427, dated 30th November.

2. I also send a copy of Mr. Wigram's letter to my address, referred to in his 3d paragraph, and which was written before his departure on tour.

3. With advertence to the remarks contained in Mr. Wigram's 6th paragraph, I would beg to observe, that if the chances are as strong against the orders of lower courts being confirmed as he has stated them to be, there is great reason to fear that the presiding officers, led away by their anxiety to punish offenders, have sentenced persons on insufficient evidence, and have thereby practically prolonged a state of things they are most anxious to put down.

From *R. J. Wigram*, Esq., Officiating Magistrate of Jessore, to the Commissioner of the Nuddea Division (No. 28), dated Jessore, 9 January 1861.

Sir,

IN accordance with the requisition conveyed in paragraph 4 of Government letter No. 6427 of the 30th November, to your address, I have the honour to report upon my Mofussil tour down to the 1st January.

2. I have, up to the present time, visited most of the indigo regions of the Jenidah Sub-Division, in company with Mr. Falcon. I visited Kotechandpore, and thence marched, *viâ* Kaleegunge to Jenidah, from there to Joradah; *viâ* Bhahtpore, and thence to Bijolee, Gopalpore, and Magoorah, thus taking in the whole of the country where the greatest excitement has existed, excepting Sindoorree, to which place I deferred a visit until Mr. Meares should return from Calcutta, as I am anxious to see him.

3. I had of course many opportunities of conversing both with planters and ryots, both regarding indigo and rents, but regarding the state of feeling on these points I have little to add to what I stated to you in my letter from Magoorah, No. 622 of the 24th December.

4. A very large portion of the rent due to indigo planters is still unrealised, but, as I before mentioned, there seems a gradually increasing disposition to come to terms, especially with regard to those planters who meet the ryots in a spirit of conciliation: and I doubt not that the summary decision of a few dozen summary suits will break down the opposition of the most obstinate villages. With this view I have sent Baboo Issen Chunder Mozoomder to Magoorah, that he may go to the spot and decide the rent cases off hand.

5. It is satisfactory to learn that there is now little or no organized combination.

6. With regard to combinations to harass and annoy planters, factory servants, and adherents, you are aware that such things have existed to a considerable extent, and I fear I cannot report that they have altogether ceased, even now, to exist. No blame, however, attaches to the sub-divisional officers, who have done their utmost to detect and punish such conspiracies, but the difficulties in their way are serious; in the first place, even in *bonâ fide* cases, the injured parties show the utmost reluctance to come forward; in the second place, many of the evils complained of are, if legal offences at all, merely negative offences, which are of course very difficult to deal with; in the third place, much caution is necessary, where, from the very nature of the case, the witnesses must all be on one side, and no independent evidence is to be got; and lastly, even when convictions are got, the chances are ten to one that the order is reversed on appeal. In fact, from the latter cause, some of the planters have told me that they see no good in complaining, as the release of persons convicted by the magistrates only makes matters worse than ever. Still of late there is much improvement in this respect also, and I think I may say that it is only in a few cases, where the planters themselves, or the factory servants, are personally obnoxious to the ryots, that serious inconvenience is now experienced.

7. It is clear that the ill-feeling exists only with regard to planters. Other Mofussil residents, not connected with indigo, get on as well with the people as ever; and the general demeanor and the address of the people, even to planters, is, I believe as respectful as ever. It has several times happened that a conversation between myself and a field labourer has ended by his asking to what factory I belonged, and I invariably found as much respect and willingness to oblige before they knew who I was, as after.

8. With regard to the prospects of the coming indigo season it is impossible to predict anything with certainty. There seems in many quarters a disposition to come to terms, and in some concerns advances are being taken. The strong determination not to cultivate on any terms seems to be fast dying out, and I think in most places, if improved terms be offered, there is a prospect of renewed confidence between the factories and the cultivators.

9. I am about to start for Magoorah to-morrow, having been detained by press of work in the Station, and intend to visit all the indigo districts of that sub-division, and subsequently of Nurail.

From *R. J. Wigram*, Esq., Officiating Magistrate of Jessore, to the Commissioner of the Nuddea Division (No. 622,) dated 24 December 1860.

Sir,

I HAVE the honour to acknowledge the receipt of your letter No. 182 Ct. of the 11th instant, regarding the combination said to be in existence in parts of this district to refuse payment of rents.

2. There is no doubt that there exists a very general determination not to pay rents, especially to planters, which has no doubt been aggravated by the present unhappy collision between them and the ryots; but I am inclined to think that this is not altogether the cause of the feeling, and that others besides planters, have suffered, or will suffer, from it.

3. During

3. During my present tour I have lost no opportunity of discoursing with planters and others on the subject, and have endeavoured, to the utmost of my ability, to impress upon all ryots the absolute necessity of paying their just dues. The general answer I receive is, that the rents have been offered to and refused by the planters, who on their side say that they are perfectly ready, and would be only too glad to get their rents, but that the ryots, when they have offered rent at all, have offered only an instalment of the just demand, and this they do refuse to receive, fearing that the ryots, having got one dakhila for a portion of the rent, would forge as many more as they had occasion for, and produce them in Court when sued. This I am told is the cause of several planters having put in petitions stating their determination to receive no rents, except through our courts; but such petitions I have always rejected, as tending obviously to open the door to a vast amount of injustice, and, as it appeared to me, to be making a mere convenience of the Collector's office.

4. The refusal to pay rent to planters I believe to have originated partly in the hope of driving them from the mofussil, by depriving them of the means of paying their own jummas, and partly from fear on the ryots' part of showing their faces at the factory at all; but I think it also very probable that the emancipation afforded to all ryots by section 13, Act X., of 1859, may have a good deal to do with it.

5. It is gratifying in any case to learn, that in the case of those planters who bear a good character for fair dealing and kindness, and who in the present crisis have the good sense to meet the ryots half way, and treat them in a spirit of conciliation, that a marked alteration has been of late observable; and several planters have told me that the ryots are beginning to come to the factory and talk about a settlement, and have expressed confident hopes of adjusting the question without litigation, which, in the present mood of the ryots, they consider it to be most desirable to avoid.

6. With regard to the few planters who do not pursue this policy; but resolve, as they term it, to hold out, and bring the ryots to their senses, the latter, as is to be expected, keep aloof from them altogether, and refuse to pay rents. I have strongly advised planters in such cases to endeavour to win the ryots by conciliation, and have pointed out to the ryots, where opportunity has served, that such refusal must end in their own loss, as they will assuredly be compelled to pay, with costs. They always express to me their readiness to pay if secured from oppression, and several have promised to do so.

7. The matter does not, in my opinion, present much cause for anxiety, because the ryot's duty and interest so clearly point in one direction; and I have little doubt that the strongest combination will yield to the prompt and summary disposal of the first few dozen cases; and I have impressed upon my subordinates the necessity of promptly disposing of all cases that may be brought before them. As yet, however, no very large number have been instituted.

8. Mr. Tayler has, I think very properly, advised some planters to appoint an agent at his court to receive rents and give receipts, so that in all cases where a readiness to pay is expressed the matter can be adjusted off-hand.

9. With regard to the second subject of your letter, the combinations to annoy and drive away servants and adherents of the factories, it is notorious that such did exist to a large extent, the object being, if possible, to drive the planters from the mofussil; but I believe that all organized conspiracies of the kind are now at an end, and that even serious instances of such things no longer exist, except in the case of one or two factories which are peculiarly obnoxious to the ryots. In fact, so far as I can gather, a daily improvement is going on in the temper of the ryots; and if planters will but treat them with conciliation, I see every reason to hope that all will be well; but in cases where planters, by refusing to yield an inch, persist in keeping the sores open, it is scarcely to be wondered that adjustment and conciliation seem as far off as ever.

10. I have constantly impressed upon my subordinates the necessity of giving prompt and active assistance in such cases, and have repeatedly pointed out the mode in which their assistance should be given, nor have I any reason to suppose they have been remiss; but there are many and serious difficulties to contend with. In the first place many of the modes of annoyance resorted to are, if offences at all, merely negative in character; while in cases of actual offences, such as abusive language, obscene songs, driving them from the markets, &c., it is necessary to exercise extreme caution, since the proof is necessarily one-sided, to prevent our being imposed upon by false complaints; and even where proof was obtained, there is a strong probability of the punishment awarded being reversed on appeal.

11. You may rest assured, however, that no efforts on the part of myself, or my subordinates, will be wanting to render prompt assistance in any cases of the kind.

From *C. T. Davidson, Esq.*, Commissioner of the Dacca Division, to the Officiating Secretary to the Government of Bengal (No. 2), dated the 9th January 1861.

Sir,

IN compliance with the orders conveyed in your circular letter, No. 6431, dated the 30th November last, I have the honour to transmit, for the information of the Honourable the Lieutenant Governor of Bengal, an abstract of the Reports of the first part of the tours of the Magistrates of the several Districts of this division.

2. My own circuit has, up to the 31st ultimo, extended only to the districts of Sylhet and Cachar; and there are no general matters of interest connected with those districts which require to be noticed in this Report.

STATEMENT of the First Part of the Tours of the Magistrates of the Dacca Division to the Interior of their Districts, during the present Season, 1860-61.

| DISTRICTS. | Name of Officer. | Parts of Districts Visited. | Time occupied in Tour. | Abstract of Magistrates' Reports, showing how these Officers employed themselves during their Tours. |
|---------------|--|---|--|--|
| Dacca - - | Mr. H. Muspratt, officiating magistrate. | Thannahs Puchimdee, Manickgunge, Sabar, Naraingunge, and the head-quarters of the Manickgunge and Moonsheegunge Sub-divisions. | From 9th November to the 8th December. | Proceeded on the 9th November, <i>via</i> Fattoolah, to thannah Puchimdee. Inspected thannah books, and disposed of a dispute between the fishermen and ryots of villages Boyale, &c. Returned to Dacca on the 16th, to hold sales. Proceeded again on the 17th to thannah Manickgunge, and inspected thannah books; visited deputy magistrate's cutcherry, and found records and papers kept in very good order. Proceeded on the 19th of November to thannah Sabar; and after inspecting thannah records, was employed in the neighbourhood, till the 4th of December, on settlement duty. Proceeded on the 5th December to Moonsheegunge sub-division, and returned <i>via</i> thannah Naraingunge, to head-quarters, on the 8th idem. The rice crop is reported to be very good, and the price of rice greatly fallen. |
| Mymensing - | Mr. A. Abercrombie, magistrate. | Pharee Pearpoor, and the sub-division of Jumalpoor, thannah Dewangunge. | From 26th November to the 24th December. | Proceeded to Pharee Pearpoor on the 26th November, and remained two days, conducting inquiries regarding Government khas mehal. Visited Jumalpoor, and then proceeded to thannah Dewangunge; where he ascertained that Captain Morton, magistrate of Gawalparah, was encamped near Mohesdrogunge. Visited his camp, and took measures for insuring his being supplied with whatever might be required. On the subject of indigo cultivation, the magistrate writes as follows: "The indigo concerns in the district which have come under my notice during this trip are those of Bygoonbary, which, commencing south of the station, runs all the way up the churs of the Berhampooter to Jumalpoor, and then up and down the Jenai, for 10 or 15 miles; these are the property of Mr. K. S. Brodie. Second, Soobumooly, which lies about 12 miles above Sherajgunge on the east or left bank of the Joboona. This concern is the property of Messrs. Mackillop, Stewart & Co., Calcutta. The proprietors of both these concerns have for many years given their best attention, and with much success, to the carrying on of their business on terms which should give no room for complaint on any side. The latter concern has, I believe, been only once in the police court, and then as prosecutor, during the last dozen years, which, considering that the factories turn out some 400 maunds of indigo or more, and that the firm also deals largely in jute, &c., speaks volumes for what may be done by Europeans in the mofussil by good management, and avoiding the mistake of entrusting to one European what would furnish employment to half-a-dozen. There is no such thing as a "satta," I believe, in either of these concerns, the whole cultivation being "neezabad;" and they enjoy an immense advantage, especially the latter, in having a boundless supply of lands constantly prepared to their hands by the ceaseless changeableness of the Joboona, which usually destroys a chur as soon as it has been cleared of jungle, and well cultivated. Bygoonbary, too, has as much land as would be found in five times the number of factories in Kishenagur or Pubna; so that one great origin of the indigo disagreement between planter and ryot, viz., the scarcity of land, is non-existent in this district." The deputy magistrate stationed at Jumalpoor has completed a tour of one month's duration, having visited thannahs Dewangunge and Pingna and Pharee Pearpoor. The deputy magistrate visited the neighbourhood of the Bowaneegunge, Juggernathgunge, and Pearpoor factories, and received no complaints while encamped there. |
| Backergunge - | Mr. C. F. Harvey, magistrate. | Thannahs Nulchittes, Angareeah, Mirzagunge, Kulsakhally, Bowful, and the Court of the Moon-siff of Bowful, lately vested with magisterial powers. | From 18th October to the 26th October. | The magistrate inspected the papers and records of the thannahs named in column 3. He reports that the river has encroached to within six yards of thannah Mirzagunge, and that it will have to be removed. A new site upon which to erect the thannah buildings has been fixed upon. |
| Sylhet - - | Mr. Joint Magistrate Walton. | Thannahs Russoolgunge, Bungow, Bungseecoondah, A-bidabad, Sunkerpasah, Lushkerpoor, Nubbeegunge, Tajpoor. | From the 11th November. | The joint magistrate has not stated the time occupied in his tour; but it cannot have been much under one month, as he returned to head-quarters only a day or two before I left Sylhet. Mr. Walton has visited eight thannahs, which lie in an extensive circle, and has submitted a long and detailed report regarding the thannah buildings and pounds, the state of the papers and records of the thannahs, and of the character of the police officers. |

| DISTRICTS. | Name of Officer. | Parts of Districts Visited. | Time occupied in Tour. | Abstract of Magistrates' Reports, showing how these Officers employed themselves during their Tours. |
|--------------|----------------------------|-----------------------------|---|--|
| Furzedpore - | Mr. Tottenham, magistrate. | - - - - | From 1st December to the 13th December. | <p>The magistrate remarks as follows: "I have crossed the district, from east to west, remaining three days at Sudderdee and four at Modhookhalee, on the western frontier. I arrived at this place yesterday, which is also on the western border, about 15 miles to the north of Modhookhalee, and encamped on some chur lands, regarding which suits, under Act IV. of 1840, of Mr. Battersby's Institution, are under trial.</p> <p>"It was in order to dispose of these and similar cases on the spot, as well as that of plundering a factory servant's house, at Sudderdee, that I selected this quarter of the district for the commencement of my tour. It was in the neighbourhood of the same localities, too, that the excitement in connexion with the indigo question had been most apparent.</p> <p>"I have already, in my letters, No. — of this day's date, and No. 416 of the 5th, specially reported on the general state of feeling in connexion with that subject. In the part of the district I have passed through, I understand that, as yet, no absolute refusal to pay rent has been met with, though ryots for the most part pay up only a portion of what is due on demand. There is little else to report. The rice crop is being cut, and seems to be in general a plentiful one. Other crops, including specially mescalaye, are looking well; and the people generally make no complaints on any subject but indigo, and those refer to past rather than to present injuries."</p> |
| Cachar - - | - - - - | - - - - | - - - - | Not received. |

Commissioner's Office, Dacca Division, }
Dacca, 9 January 1861.

(signed) C. T. Davidson,
Commissioner of Circuit.

From *E. H. Lushington, Esq.*, Officiating Commissioner of the Nuddea Division, to the Officiating Secretary to the Government of Bengal (No. 11 Ct.), dated 14 January 1861.

Sir,

IN continuation of my letter (No. 976 A.), dated 25 November, I have the honour to submit, for the information of the Lieutenant Governor, the accompanying copy of a report from Mr. Herschel (No. 7), dated 9th instant, with a statement showing the result of his inquiries into the kuboolyuts filed in cases of Act XI. of 1860.

2. Six hundred and nine of these agreements were put into court. Out of this number 42 were written on stamp papers bearing forged endorsements, and one, though written on stamp paper with a genuine endorsement, purports to record the execution of an agreement at a date five months before the paper on which it is ingrossed came into the possession of the purchaser.

3. I beg to submit a translation of this document for the Lieutenant Governor's perusal. It is worthy of notice that the stamp paper bears an eight-anna and not a two-anna stamp, though a two-anna stamp is referred to in the agreement. It is not necessary to search for reasons for this mistake; but I believe one might be found in the circumstance that the trial of the case was expected at an early date, and the first available piece of stamp paper was accordingly taken into use. The whole document shows signs of having been got up with haste, for from 1861 to 1864 is not five years. The date of the execution of the agreement is 29th November 1859, and the date of the purchase of the paper 29th April 1860.

4. Besides the above appalling facts in regard to these kuboolyuts, there would appear to be good grounds for believing, from the circumstances appended in the foot-note at the end of the statement, that one-third of the whole number were inscribed on stamp paper bearing forged endorsements.

5. It is for the Lieutenant Governor to decide whether this report should now be made public. Had the proceedings connected with the trial of cases under Act XI. been confined to the knowledge of the parties immediately concerned in them, and the officers of Government, I would willingly have joined Mr. Herschel in hoping that such a step would not be considered necessary, more especially as Mr. Hills, the proprietor of the Peerpore factory, was not in the country when the Act was in force, and is strenuously exerting himself to put matters on a correct and proper footing. But unfortunately the trial of these

cases under this special law has formed the subject of much public discussion, and it has frequently been broadly stated that the planters have not obtained all the decisions in their favour to which they were fully entitled.

6. Under these circumstances, nothing, I think, should now be withheld which would tend to correct erroneous impressions, and which would enable all who desire it to form a fair and just conclusion on the subject. One of those conclusions must be, that, had some of the officers presiding over these trials, exercised a closer scrutiny over the documents presented to them, the results of their decisions must have been very much more unfavourable to the planters than they actually were.

From *W. J. Herschel, Esq.*, Magistrate of Nuddea, to the Commissioner of the Nuddea Division (No. 7), dated 9 January 1861.

Sir,

IN continuation of my letter of the 7th November, I have the honour to enclose a statement of the result of the examination of the stamp papers on which kuboolyuts, filed in court under Act XI. of 1860, have been ingrossed.

It will be seen that 609 kuboolyuts altogether were put into court as evidence of contracts to sow indigo, and that of these 43 are written on stamp papers, which a simple comparison with the books of the different stamp vendors from whom they purport to have been purchased proves to be forgeries. The discrepancies which expose the forgery in these cases are owing to the carelessness with which the entries in the vendors' books were copied; but a comparison of the handwriting in which these endorsements have been made, shows that a very great number (probably between 200 and 300) of the rest of the endorsements were written by the same hands which wrote the erroneous forgeries. The inference is that they also are forged; but as they agree with the entries in the vendors' books, there is nothing but the fact that they are second-hand stamps to excite suspicion in each case. Of all the stamps used only 109 were purchased in the names of the factories, though from the vendors' books it appears that it is customary to give the name of the factory for which stamps are purchased. Of the remaining 500, 43 are shown to be forgeries, and of the rest a large proportion are, if not forgeries, certainly second-hand purchases, and the rest were bought by servants of the Mookhtears, and cannot be traced any further. It will be seen that in 20 instances, out of the 43, I have obtained the original stamps. I could obtain many more from other purchasers, whose names have been used on other stamps, besides these 43; but when one in every 15 stamps employed proves to be a forgery, simply in consequence of the carelessness of the writer in copying the original record, it would have been mere waste of time to inquire how many were forgeries among those which, on the face of them, were correct.

There is one of the 43, the last on the list, *versus* Madaree Sheik, of which the stamp itself is not a forgery, but the agreement on it is more clearly so on the face of it than the one originally quoted by Government. It purports in its text (and was stated in evidence) to have been executed in November 1859, and bears that date, but the paper was sold, and the endorsement itself shows it to have been sold, in April 1860, just before the institution of the suit in which it was produced.

The inquiry into this matter has been allowed to go on slowly, as I thought the evidence already sent up to be sufficient for the simple purpose of supporting the assertions which the Indigo Planters' Association denied, and I hoped the question might have been dropped. But I was informed officially, a few days ago, that a prosecution against Mr. Bell had been commenced, in the name of Mr. Taylor, in the Supreme Court, for libel.

Presuming that there was a real intention of carrying on the prosecution, I sent in orders to the station to complete the comparison of the books, and the result I now report.

I observe that Mr. Taylor was in charge of the Peerpore Factory at the time when Hisabdi Sheik's kuboolyut was put into court, and that he was plaintiff in that case, and this accounts for his name being used as plaintiff in the charge of libel. I am personally acquainted with Mr. Taylor, and in saying that I know him to be a man marked for his honour, even to notoriety, I am stating what is due to him personally, and what I still most firmly believe. But a prosecution of this kind is totally unjustifiable, for, when the case of Hisabdi Sheik was being inquired into by the manager of the concern at that time, and before the Planters' Association complained of the use made of it, I laid before him, in the strongest light, the facts which I have already reported to you, and begged him not to further identify himself, and the Europeans generally, and especially Mr. Taylor, with a system of forgery which every movement showed to be more and more appalling.

I beg now to note the fact, that of the 43 cases ascertained to be forgeries, 32 cases, including the one which I have especially referred to above, come from the Peerpore Factory, and that every single one comes from the concern which now talks of prosecuting the Government for libel.

I hope that it may not prove necessary to publish these facts, for Mr. Hills, who has now taken charge of the concern, is doing his best to put down the system; and I trust that I have now supplied facts which will finally put a stop to discussion on this point if it be further provoked.

STATEMENT accompanying Letter No. 7, from Magistrate of Nuddea.

| No. of Case. | PARTIES. | No. of Stamp Paper. | Result of Case and of Comparison with the Vendor's Book. |
|--------------|---|---------------------|--|
| 69 | Tangee Factory v. Kheyal Sirdar of Pirozpore. | 1,034 | Case decreed to plaintiff by Mr. Platts. The endorsement on the koboolyot gives the purchaser's name as Sunyasee Nath. In the vendor's book it appears that Madhob Sheik bought it. The latter has produced the original paper which he bought; it has been used for a rice bond. |
| 69 | Tangee Factory v. Hanip Binod Sheikh of Pirozpore. | 1,035 | Purchaser's name the same on the koboolyot. Original paper was sold to Gopaul Biswas, who has produced it; it is filled up with a rice bond. The case was decreed to plaintiff. |
| 452 | Tangee Factory v. Junglee Mollah of Pirozpore. | 1,038 | Purchaser's name on koboolyot the same; value of paper, two annas. But the stamp of this number sold on that date was a four-anna stamp, sold to a different person. It has been obtained from him. The case was withdrawn on the transfer of the papers to Mr. Bell for decision. |
| 451 | Tangee Factory v. Ramkoondoo of Pirozpore. | 1,036 | The original paper was sold to one Potiram of Hurispore, 30 miles from Damoorhooda, where Sunyasee lives, whose name is on the koboolyot. The case was withdrawn before Mr. Bell. |
| 923 | Jotarpore Factory v. Manick Mondol of Komorpore. | 303 | The koboolyots are all on two-anna stamped paper, but the real stamp in this case was a four-anna paper. Case withdrawn as above. |
| 923 | Jotarpore Factory v. Kanie Mondol. | 306 | - - - ditto - - - - ditto. |
| 926 | Jotarpore Factory v. Akhoy Mollah. | 309 | - - - ditto - - - - ditto. |
| 46 | Damoorhooda Factory v. Hyder Mondol. | 301 | The vendor's book shows that the real paper was sold to Kisto Tewaree, a mahajun's servant, for a loan bond (tamsook). The koboolyot is endorsed to a different name and village. Case decreed by Mr. Betts. |
| 328 | Peerpore Factory v. Bhogai Sheikh of Peerpore. | 304 | No paper of the kind was ever sold. An eight-anna paper of the same number and date was sold to a different person, and was used for a petition. Decreed by Mr. Davidson for plaintiff. |
| 328 | Peerpore Factory v. Aza Mullick. | 305 | - - - ditto - - - - ditto. |
| 338 | Peerpore Factory v. Mokim Mondol of Rajpore. | 302 | - - - ditto - - - - ditto. |
| 338 | Peerpore Factory v. Nosi Mullick of Rajpore. | 303 | - - - ditto - - - - ditto. |
| 658 | Peerpore Factory v. Mokhur Sephaie Sheikh of Batpallah. | 147 | <p>These papers were accidentally forged wrongly, no paper at all having been sold on the date given; but on the next day, papers of the same number and value were sold to the person named in the koboolyot, Tazun Mondol, a mahajun, who has produced the original papers which he bought; some have been used and some are still blank.</p> <p>One of the cases has been prepared for commitment for perjury.</p> <p>In case No. 506, the koboolyot, though put into Court in April 1860 (the evidence being that it was executed in December 1859), is dated December 1860.</p> |
| 504 | Peerpore Factory v. Khudi Mollah of Kantopore. | 141 | |
| 506 | Peerpore Factory v. Bhogai Sheikh of Kantopore. | 142 | |
| 507 | Peerpore Factory v. Nofor Sheikh of Kantopore. | 143 | |
| 508 | Peerpore Factory v. Rakamdi Mondol of Kantopore. | 146 | |
| 509 | Peerpore Factory v. Sobhai Sheikh of Kantopore. | 144 | |

| No. of Case. | PARTIES. | No. of Stamp Paper. | Result of Case and of Comparison with the Vendor's Book. |
|--------------|--|---------------------|---|
| 219 | Peerpore Factory v. Shaha Mullick of Rajapore. | 156 | Dismissed by Mr. Davidson. |
| 253 | Peerpore Factory v. Bharut Chang of Alikdeah. | 148 | Withdrawn before Mr. Davidson. |
| 98 | Peerpore Factory v. Nazir Sheikh of Kantopore. | 145 | Withdrawn before Mr. Bell. |
| 952 | Peerpore Factory v. Nowadakolam Sheikh of Dowlut-dear. | 149 | Dismissed by Mr. Bell. |
| 1,835 | Peerpore Factory v. Oomar Sheikh of Alikdeah. | 152 | - - - ditto. |
| 1,835 | Peerpore Factory v. Chunder Kamal Doss of Alikdeah. | 153 | - - - ditto. |
| 1,835 | Peerpore Factory v. Poran Pal of Alikdeah. | 151 | - - - ditto. |
| 1,835 | Peerpore Factory v. Ram Churn Malee of Alikdeah. | 154 | - - - ditto. |
| 1,835 | Peerpore Factory v. Gungaram Doss of Alikdeah. | 150 | - - - ditto. |
| 257 | Peerpore Factory v. Shasteeram Doss of Lukhipore. | 371 | The original stamp has been recovered from the real purchaser. Case decreed by the assistant. |
| 273 | Peerpore Factory v. Nofor Gachee of Hureerampore. | 372 | - - - ditto - - - ditto. |
| 254 | Peerpore Factory v. Setal Dass of Alikdeah. | 809 | No paper of this number sold at the date of the endorsement. By a mistake of the forger (whose handwriting is clearly recognisable in several other forgeries) the wrong date was copied. Case withdrawn before Mr. Davidson. |
| 252 | Peerpore Factory v. Nofor Tonu Dass of Alikdeah. | 812 | - - - ditto - - - ditto. |
| 606 | Peerpore Factory v. Manik Chung of Kesubpore. | 811 | No paper of this number sold on the date of the endorsement. By a mistake of the forger (whose handwriting is clearly recognisable in several other forgeries) the wrong date was copied. Case withdrawn before Mr. Bell. |
| 611 | Peerpore Factory v. Godadhur Mondol of Kesubpore. | 808 | - - - ditto - - - ditto. |
| 612 | Peerpore Factory v. Kamal Mondol of Kesubpore. | 813 | - - - ditto - - - ditto. |
| 597 | Peerpore Factory v. Nofor Chung of Kesubpore. | 810 | - - - ditto - - - ditto. |
| 969 | Peerpore Factory v. Jendar Gopal of Sheyal Maree. | 155 | Another mistake of the forger's in the date of sale. |
| 636 | Peerpore Factory v. Jibun Chung of Alikdeah. | 807 | - - - ditto - - - ditto. |
| 340 | Peerpore Factory v. Kalipal of Bishtopore. | 800 | The purchaser's name is wrongly copied on the forgery, a slandered name having been used. Decreed for plaintiff. |

| No. of Case. | PARTIES. | No. of Stamp Paper. | Result of Case, and of Comparison with the Vendor's Book. |
|--------------|--|---------------------|--|
| 347 | Damoorhooda Factory v. Sadhoo Dass of Dosima. | 299 | The original of this forgery is a four-anna stamp. |
| 67 | Jaturpore Factory v. Khanjan Sheik of Bhawanundpore. | 201 | The original paper is a four-anna stamp. Decreed by Mr. Platts. |
| 67 | Jaturpore Factory v. Namdah Romjan Sheikh. | 200 | The original paper is a four-anna stamp. Decreed by Mr. Platts. |
| 340 | Peerpore Factory v. Arip Biswas of Sheyal Maree. | 21 | The date is wrongly copied in the forged endorsement, the 2d instead of the 11th December being used. |
| 957 | Peerpore Factory v. Madaree Sheikh. | 1,276 | This koboolyot is on a genuine stamp, but it was sold to Nofor Peadah on the 29th April 1860, but the agreement ingrossed on it purports to have been executed in 1859, and is dated 29th November 1859. |

Total, 43, out of 609 koboolyots put into court. The rest all agree with the entries in the vendors' books; but between 200 and 300 of them have been prepared by the same hands, the handwriting of the seven or eight forgers who were employed on this work being recognisable.

(signed) *W. J. Herschel, Magistrate.*

To Mr. *James Hill.*

(Translation.)

ENGAGEMENT on the part of Mandari Sheikh, Senior, Inhabitant of Dowlatdewa, to sow Indigo upon Advances for a Term of Years.

I, an indigo ryot of the Peerpore Factory, have been in the habit of cultivating indigo from year to year. My account for the year 1859 having been squared (the amount of payment for plant delivered against the advance received by me), I am — rupees in debt. I have received a cash advance of Rs. 5. 8., which, with two annas for the stamp on this document, makes my whole present debt to the factory Rs. 5. 10. Upon this advance I hereby enter voluntarily into this engagement to cultivate 2 beegahs 15 cottahs of land with indigo every year for five years, from 1861 to 1864, and to deliver the plant and seed. And I bind myself to cultivate 2 beegahs 15 cottahs yearly, and to deliver the plant at the factory. I will give rich, suitable, and properly cleared ground for the purpose; and, having measured it with a rope 55 guj long, I will plough it up each year before the 30th March, and sow indigo in it as usual before the 30th April. I will weed it, and do whatever else may be necessary as the season progresses. I will take, to sow the land which I thus engage for on my advance, indigo seed to the amount of 3 ½ seers per beegah, and will sow the land with it; and I will pay for that seed at the rate of four annas per beegah. At weeding time, if the plant be worth it, I will receive money to defray the necessary weeding expenses. When the plant is ready I will cut it, and deliver it at the factory, and I shall receive payment for it at the rate of one rupee for four bundles, the bundles being measured with an iron chain of 3 ½ cubits in length. If this plant shall be cut by the factory servants, and conveyed to the factory in boats or carts advanced for by the factory, the expenses of cutting and carriage shall be debited to my account as an advance, at the rate of two rupees per 100 bundles. I will sow indigo year by year at the proper season, upon the land for which I have received my advance, and I will deliver the plant and seed grown upon it. If I in any way neglect thus to sow the indigo yearly at the proper time, then you shall have this land sown with indigo of your own authority, and the expense of doing so shall be debited to my account. If in any year I throw any difficulty in the way of, or am guilty of negligence in, the cultivation of this land, I will submit to the legal penalty, and will perform my engagement to sow and deliver the indigo. If any such carelessness occur in sowing or delivering the indigo plant, I hold myself responsible for the payment of 10 rupees per beegah, as the estimated loss of your profit upon outlay. I will yearly cut the stumps of the plant upon this ground, and take them with the seed to the factory, and I will beat out and deliver the seed there. I shall receive separate payment for it at the rate of four rupees per maund, full weight. If I do not take the seed to the factory, but sell it anywhere else, I will pay to the factory 10 rupees per maund as the price of all the seed so sold by me. If, after all the expenses of sowing, weeding, carriage, &c. have been balanced year by year according to my "hath chittas," there shall still be a balance against me in the year 1865, upon the advance I have

now taken, I will in that year clear off my debt by delivering indigo plant. I will not make any application to be allowed to pay that debt in cash, or in any other way than by continuing to cultivate indigo. If I do, my request shall not be acceded to. I and my heirs will conform to the conditions of this engagement into which I have now entered. Dated 29th November 1859.

Mandari Sheikh, of Dowlatdewa, his x mark.

Witnesses:—*Mokim Sheikh*, of Pitambarpore.

Amir Sheikh, of Pitambarpore.

Kutubdi Sheikh, of Bustumpore.

Endorsement.—April 29, 1860.—Mohurrir Dwarkanath Biswas, Damoorhooda; purchaser, Nafar Peada Damoorhooda. No. 3, eight annas.

(Judicial—No. 72.)

My Lord,

India Office, London, 24 April 1861.

1. Your letter dated 4th February (No. 16) 1861, forwarding the special narrative (No. 8) dated 1st February, of the proceedings of the Lieutenant Governor of Bengal, in connexion with the disputes between the indigo planters and ryots in some of the districts of lower Bengal, has been laid before me in Council.

2. The reports of the magistrates of Nuddea and Jessore, on the state of matters in the districts under their charge, are on the whole satisfactory.

3. I observe with pleasure that the local officers are fully alive to the necessity of affording aid to the planters, who are also landholders, in collecting the rents of their estates; it does not appear, however, from the papers under consideration that any extensive combination for withholding rents has been entered into by the ryots.

4. The report of the Officiating Commissioner of the Nuddea division, dated 14th January last, and the statement which accompanies it, are, as observed by the Lieutenant Governor, deserving of serious consideration. They show that of 609 agreements put into Court in support of prosecutions instituted by certain factories, on the passing of the Act of last year, for the summary enforcement of indigo contracts, no less than 42 were written on stamp papers bearing forged endorsements; and it is with great regret I observe that ten of the cases supported by these documents, were given against the ryots. The great majority of these forged documents came from the Peerpore Factory, the property of Mr. Hills, who was not in the country when the Act was in force, and who must therefore have been ignorant of the proceedings of his factory subordinates. The facts stated in the report of the Commissioner tend materially to confirm the views to which expression is given in para. 13 of my Despatch, No. 63, of the 8th instant, to the effect that no case has been made out for investing the criminal courts with powers of summary punishment in cases of breaches of contract for the delivery of agricultural produce.

His Excellency the Right Honourable
the Governor General of India, in Council.

I have, &c.
(signed) *C. Wood*.

(Home Department.—Judicial.—No. 21 of 1861.)

To the Right Honourable Sir *Charles Wood*, Bart., G.C.B., Secretary of
State for India.

Sir,

IN continuation of the Governor General's letter No. 3, dated the 29th of December last, we have the honour to transmit for your information copies of the minutes noted on the margin, together with a copy of a communication made under date the 27th instant to the Government of Bengal regarding the Lieutenant Governor's Minute on the Report of the Indigo Commission.

Minute by Mr. Beadon, dated 29 January.

Minute by Sir Bartle Frere, dated 4 February.

Minute by Mr. Laing, dated 9 February.

2. The

2. The Bill "to provide for the punishment of breaches of contract for the cultivation, production, gathering, provision, manufacture, carriage, and delivery of agricultural produce," referred to in the 24th paragraph of the letter to the Government of Bengal, will be read for the first time in the Legislative Council on the 2d proximo.

We have, &c.
(signed) *Canning.*
H. B. E. Frere.
Cecil Beadon.
R. Napier.
S. Laing.

Fort William,
28 February 1861.

MINUTE by Honourable *Cecil Beadon*, dated 29 January 1861.

I HEARTILY concur in the remarks embodied in the Governor General's Despatch to the Secretary of State, dated the 29th ultimo, relative to the Report of the Indigo Commission, and to the Lieutenant Governor's Minute thereon. Report of the Indigo Commission, with the Lieutenant Governor's Minute thereon.

The Lieutenant Governor's statement of the whole case, his review of the evidence taken before the Commission, and the conclusions arrived at by his Honor, seem to me eminently just and fair.

The statement given in paragraph 54 of the Minute is of much importance, showing as it does how small a proportion of the whole indigo trade of India has been jeopardised by the recusancy of the ryots in some of the districts in Lower Bengal.

I agree generally in all that the Lieutenant Governor says of the appointment of honorary magistrates, the increase in the number of local jurisdictions, and the reform of the police. All these subjects are under separate consideration, and so is that of the registration of contracts, in respect to which I should prefer a general registration law applicable to all contracts, to a special law for the registration of indigo contracts.

I also agree with his Honor in thinking the appointment of a special commissioner and special officers unnecessary, and in deprecating the general disarming of the people of Bengal.

In paragraph 51 of his Minute the Lieutenant Governor expresses a hope that the planters will act in the spirit of the recommendations made by the Indigo Commission, and make concessions to the ryots in order to induce them to continue the cultivation of indigo on mutually advantageous terms. It is necessary to remark on this, that the recommendations of the Commissioners were promptly attended to by the Indigo Planters' Association, and that terms of concession were agreed upon by that body in September last, which if acted on by the planters in general can hardly fail to have the desired effect. Indeed it is understood that in many factories these concessions have been actually made, and that to this is, in a great measure, to be attributed the improved state of feeling in the indigo districts, which has from time to time been reported. The letter from the Association in which these concessions are stated, does not appear to be on record, but it came before us when the question of issuing a proclamation in September last was under discussion, and I have affixed a copy in the margin.*

The

* From the Secretary to the Indigo Planters' Association to the Secretary to the Government of Bengal.

Sir,

Calcutta, 5 September 1860.

I AM directed by the Central Committee of the Indigo Planters' Association to submit to you for the information of his Honor the Lieutenant Governor of Bengal, the following suggestions as to changes in the system of ryotee indigo cultivation, which the committee have, as regards planters, recommended for general adoption in Lower Bengal.

That the contract be in the simplest form practicable, signed by both parties, stipulating in the case of ryotee cultivation, on the one side, for the cultivation of a certain quantity of land, and on the other side, for payment of the plant at a certain price.

Contracts for labour, carts, boats, &c. &c. to be in similar simple forms.

That on signing the contract an advance be made in cash of a certain sum per beegah, out of which say eight annas per beegah shall be a separate and specific payment for the use and occupation of the land, the size of the beegah to be specified in the contract.

291.

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That

The Governor General has asked the President in Council to give an opinion as to the expediency of making further provision by law for the enforcement of contracts for agricultural produce. On this point I so far agree with the minority of the Commission as to think that a law which under certain limitations would render the wilful failure to fulfil such contracts a punishable offence, would be beneficial alike to the planter and the ryot.

Such a law ought certainly not to be retrospective in its operation like Act XI. of 1860. It should be confined to written contracts, and to the fraudulent breach of them; and it should not take effect until after full notice had been given of the conditions on which such contracts would be made. It should also be limited to contracts of not more than a year's duration, and of a certain maximum value.

Such a law should not be confined to indigo, but should extend to sugar and other articles of agricultural produce. We have lately received an application on this subject from Mr. Boothby, the proprietor of extensive sugar works in the Ganjam district, which seems to me to show a very strong case for the enactment of such a law.

There can be no doubt, I think, that when such contracts are not fulfilled by those who enter into them, the breach of contract is fraudulent in the great majority of cases, and would be rightly punished as such.

This principle has been recently admitted and acted upon by the Legislature in the case of artificers, workmen, and labourers (Act No. XIII. of 1859), and in the case of contractors for public works (section 8, Act No. IX. of 1860), and I see no reason why it should not apply to those who contract to cultivate and deliver agricultural produce, and who are, generally speaking, of the same class of the people as those to whom Act No. XIII. of 1859 was intended to apply.

Indeed, the very words of the preamble of that Act, if strictly construed, apply to the case of agricultural labourers, and I am not by any means sure that if that Act were extended, as it can be, by the Executive Government to the indigo districts, it would not apply to contracts for the cultivation of indigo. I should be
sorry,

That the factory shall bear all the expense of providing seed, stamps, and carriage, for which the planter shall pay separately, leaving to the ryot only the ploughing, sowing, weeding, and cutting.

That the planter shall pay to the ryot for the plant a price to be specified in the contract, and which the committee believe will, for the ensuing season in almost all cases, except chur lands, be at the rate of four bundles per rupee in Lower Bengal.

That should the number of bundles realised from the beegah be insufficient to cover the advance made, then the loss shall be borne equally by the planter and ryot.

That all accounts with the ryots shall be settled annually as soon as practicable after the close of the manufacture, and that whatever fazil or balance may be due to the ryot shall be paid to him in cash.

That in the event of the ryot artfully or fraudulently evading the contract fairly entered into, or neglecting the cultivation, he shall be punishable as provided by Act XI. of 1860, or as provided by sections 2 and 3 of Act V. of 1830, or by a penalty of five times the amount advanced, to be summarily recovered.

I have to remark, in the first place, that the price to be paid for the bundle of plant must be left for individual adjustment. One rule and one price could not hold good, or be fair in the case of plant, the produce of the churs of the rivers, cultivated with little or no trouble, and scarcely requiring weeding, and in the case of plant grown on rich and heavy high lands; but it is evident that a fair price remunerating to the ryot must be given, or he will not undertake the cultivation.

Secondly.—To clause 5, it will, no doubt, be objected that the new system still involves the chance of a balance accumulating against the ryot. The committee will regret much if this should be the result, but they feel that unless some responsibility attaches to the ryot, he will not perform his engagement or cultivate properly.

If the ryot was certain of enjoying his advance without interest, whether there be a crop or not, the planters think the consequence will be, that there will be no crop.

In the manufacture of salt, in the cultivation of opium, and of all other crops, the risk remains with the ryot; but in consideration of the precarious nature of the indigo crop in Lower Bengal, the committee recommends that only half the risk as regards liability for cash advanced for cultivation should be borne by the ryot.

The committee trust that in the case of contracts fairly and freely entered into on these or similar terms, the indigo planters will have the protection of a law similar to Act XI. of 1860, or to the rescinded clauses of Act V. of 1830, so that they may not suffer ruinous loss from the violation of engagements as to indigo plant, which would certainly be the case if they were referred to a civil suit for redress.

I have, &c.
(signed) *W. F. Ferguson*,
Secretary.

sorry, however, to see it so extended without some important modifications. The preamble runs thus:

"Whereas much loss and inconvenience are sustained by manufacturers, tradesmen, and others in the several Presidency towns, and in other places, from fraudulent breach of contract on the part of artificers, workmen, and labourers, who have received money in advance on account of work which they have contracted to perform; and whereas the remedy by suit in the civil courts for the recovery of damages is wholly insufficient, and it is just and proper that persons guilty of such fraudulent breach of contract should be subject to punishment; it is enacted as follows:"

And then, after empowering the magistrate in Presidency towns to hear complaints against labourers neglecting or refusing to perform, or get performed, such work according to the terms of their contracts, to award repayment of the advance or decree specific performance, and in default to imprison with hard labour for three months, the Act enables the Executive Government to extend it to any place, and to entrust the execution of it to any officers specially appointed for the purpose.

I would extend this law, with certain modifications, to any district where it was required for the enforcement of agricultural contracts.

It seems to me that the ryot who agrees to cultivate, plant, and deliver produce differs in no material respect from the labourer who contracts to perform any other work, or the contractor who engages to execute a specific work in connexion with a railway, canal, or other public work. It is true that the ryot, with respect to his jote, to which he has a right of occupancy so long as he pays his rent, is, if not a capitalist, at any rate something more than a mere labourer. Such is the almost universal condition of the peasantry in India. But it cannot be denied that it is for the produce of his labour that the ryot contracts—of labour, indeed, applied to land of which he is the rightful occupant, but which is no more to him as affecting the performance of his contract than his tools and skill are to the artisan, or his capital and credit to the petty railway contractor.

If a ryot deceives a planter into the belief that he means to deliver a certain quantity of plant which he does not intend to deliver, and thereby dishonestly induces the planter to advance money upon the faith of such delivery, the ryot is held to be guilty of cheating, and may be punished under section 415 of the Penal Code; but not so if, at the time of obtaining the money, the ryot intends to deliver the plant, and afterwards breaks his contract by wilfully refusing to deliver it. In the latter case he is liable only to a civil action for breach of contract. Now it seems to me that we may fairly go a step beyond this. If a ryot receives an advance for the delivery of indigo or sugar intending to deliver the same, and afterwards for any reason wilfully, and without any lawful or reasonable excuse, neglects or refuses to deliver it according to the terms of his contract, he certainly is guilty of a fraudulent breach thereof, and may properly, I think, be punished for it. If he fails through inability to fulfil his contract, the case is different; but if he wilfully, and without lawful or reasonable excuse, neglects or refuses to perform it (the burden of proving which must rest on his accuser), I see no reason why he should be on a different footing from artificers, workmen, labourers, or contractors who fail in like manner to perform a stipulated service or work.

I do not, however, propose to go so far as to bring such conduct on the part of ryots under the legal definition of cheating, and to make them liable to imprisonment for a year, or to fine or to both, under the provisions of the Penal Code. I do not propose to make it even punishable in the first instance; but I desire to give the magistrate power to receive complaints against ryots and others of fraudulent breach of contract not amounting to cheating, and after ordering payment of damages, a specific performance when it is possible, to punish them with imprisonment and hard labour if they fail either to pay the damages or to perform the contract, or to give sufficient security for the same.

The Indian Law Commissioners held that in general a mere breach of contract ought not to be an offence, but only the subject of a civil action. To this general rule, however, they admitted some exceptions, and accordingly the Penal Code provides for the punishment of certain breaches of contracts of service, and leaves untouched the special laws which provide for the punishment of servants leaving their employers without notice or neglecting their duty, of seamen who

desert from their ships, of artificers and others who, after receiving an advance, neglect to perform work they have agreed to do, of railway contractors who fail to perform their contracts, and others. The question, then, is simply this, whether the wilful failure on the part of ryots and others to deliver indigo or other agricultural produce according to agreement, and in consideration of a money advance, ought not to be brought within the category of these exceptions. I think they ought to be.

The minority of the Indigo Commission recommend that contracts to cultivate and deliver indigo should be enforced in this way, whether an advance be given or not; but in this I do not agree with them. By confining it to contracts made under advances, it is left to the option of the ryot to bring himself under the operation of the law or not, as he pleases. And moreover, the essence of the fraud, in the breach of a contract of this kind, consists chiefly in the fact that an advance has been given. So far from tending to perpetuate the pernicious system of advances, I think that the tendency of a law such as I propose would be to incline cultivators to contract without advance, and so to keep themselves out of reach of the summary jurisdiction and penalty.

Neither do I agree with the minority in thinking that it is necessary to confine the operation of such a law to registered contracts. I am in favour of a general registration law applicable to all contracts, but not to a special registration law, applicable to indigo contracts. I think, too, that the effect of registration as a security to the ryot against fraud on the part of his employer has been much overrated. When a general registration law is passed, and machinery for working it provided, registration will be as necessary to the validity of indigo contracts as to that of all others. But the summary enforcement of contracts for the delivery of indigo ought not to wait for a registration law.

By confining the operation of the Act to contracts made after it comes into force, and to contracts for one year only, the ryot is protected against any but civil consequences for the breach of any contract he may have already entered into, and, to some extent, of any such improvident arrangement running on from year to year as those described in the Indigo Commissioners' Report.

With the safeguards which now exist, and which are day by day becoming more effectual, and with the recent determined resistance of the ryots before us, I have not the least apprehension that the proposed Act could be used as an engine of oppression on the ryots, or that the ryots would be compelled, against their will, to take advances; while I have little doubt that the measure is the one thing needful to satisfy the planters that the Government is in earnest in its desire to give them fair protection against the fraudulent evasion by ryots of their voluntary contracts executed in consideration of an advance.

I append the draft of an Act which I would propose to bring in for this purpose.

No one will dissent from the Lieutenant Governor as to the patience, firmness, and impartiality with which the Indigo Commission have conducted their inquiry, and the considerate manner in which they have reported their conclusions to the Government.

The members have one and all fully deserved the high commendation bestowed on them by his Honor.

In this commendation I would expressly include the minority, whose separate Minute appears, in my judgment, to express a more correct and comprehensive view of the question than the Report itself, though their recommendations are not all such as I am able fully to concur in.

A copy of the Indigo Commissioners' Report and of the Lieutenant Governor's Minute should be sent to the Legislative Council.

(signed) *C. Beadon.*

A BILL to provide for the Punishment of Breaches of Contract for the Cultivation, Production, Gathering, Provision, Manufacture, Carriage, and Delivery of Agricultural Produce.

WHEREAS it is just and proper, for the reasons stated in the preamble of Act No. XIII. of 1859, that ryots and others who have received money in advance, and have executed contracts for the cultivation, production, gathering, provision, manufacture, carriage, or delivery of agricultural produce, should be punished for the fraudulent breach of such contracts, it is enacted as follows:

1. When any ryot, labourer, or other person, shall have received from any manufacturer, master,

master, or employer carrying on business, or from any agent of such manufacturer, master, or employer, an advance of money on account of the cultivation, production, gathering, provision, manufacture, carriage, or delivery of agricultural produce, and in consideration of such advance shall have contracted to cultivate, produce, gather, provide, manufacture, carry, or deliver such produce, either by himself, or by the agency or help of others, if such ryot, labourer, or other person shall, wilfully and without lawful or reasonable excuse, neglect or refuse to perform his contract, or to get the same performed according to the terms thereof, such manufacturer, master, or employer, or any agent as aforesaid, may complain to the magistrate, who shall thereupon issue a summons or a warrant, as he shall think proper, for bringing before him such ryot, labourer, or other person, and shall hear and determine the case.

2. If it shall be proved to the satisfaction of the magistrate that such ryot, labourer, or other person has received money in advance from the complainant, on account of the performance of any such contract, and has wilfully and without lawful or reasonable excuse, neglected or refused to perform the same, or to get the same performed, in whole or in part, according to the terms thereof, the magistrate shall, at the option of the complainant, either order such ryot, labourer, or other person, to repay the amount advanced, or such part thereof as may seem to the magistrate just and proper, together with damages not exceeding four times the said amount, or order him, if it be possible, to perform the contract, or get it performed, according to the terms thereof; and if such ryot, labourer, or other person shall fail to comply with the said order, the magistrate may sentence him to be imprisoned with hard labour for a term not exceeding three months; or if the order be for the repayment of a sum of money, until such sum of money shall be sooner repaid; provided that no such order for the repayment of any money shall, while the same remains unsatisfied, deprive the complainant of any civil remedy, by action or otherwise, which he might have had but for this Act.

3. When the magistrate shall order any ryot, labourer, or other person as aforesaid to perform such contract, or to get it performed according to the terms thereof, he may also, at the request of the complainant, require such ryot, labourer, or other person to enter into a recognizance with sufficient security for the due performance of the order; and in default of his entering into such recognizance, or furnishing such security to the satisfaction of the magistrate, may sentence him to be imprisoned, with hard labour, for a period not exceeding three months.

4. Whoever, by intimidation or otherwise, abets the commission of the offence described in section 1 of this Act, shall, on conviction before the magistrate, be punished with imprisonment, with or without hard labour, for a term not exceeding three months, and shall also be liable to fine.

5. The word "contract" as used in this Act, shall extend only to contracts and agreements in writing, duly witnessed and stamped, of which a copy shall have been deposited in the magistrate's office within one month from the date of execution; and no complaint shall be received under this Act in any district for the breach of any contract made before the date on which this Act shall take effect in such district, or of any contract for a longer term than one year, or of any contract for the cultivation, production, gathering, provision, manufacture, carriage, or delivery of more than one season's produce, or of produce valued at more than 50 rupees, or for any breach of contract which shall have happened more than three months before the complaint is preferred.

6. This Act shall not take effect in any district until it shall have been extended thereto by the Governor General of India in Council, or by the Executive Government of any Presidency or place in which such district is situated.

7. No part of Act No. XIII. of 1859 shall be held to apply to any contract for the cultivation, production, gathering, provision, manufacture, carriage, or delivery of agricultural produce.

8. The word "magistrate," as used in this Act, signifies any officer exercising the powers of a magistrate.

MINUTE by Sir *Bartle Frere*, dated 4 February 1861.

On the indigo question generally I have little to add to what will be found in the papers before us, and especially in the letter of his Excellency the Governor General, of 29th December, in which I generally concur.

On the Lieutenant Governor's Minute on Indigo Report.

I should have been inclined to give more prominence to the heavy responsibility which appears to me to lie on the Government of years gone by, for permitting such a state of things to grow up and to continue so long without remedy or redress. It appears to me a grievous reproach to any civilized Government that the province which has been longest in our possession, which is the most fertile and populous, and one of the largest and most easily governed of any we possess in India, should have been subject for half a century to such a system as

is described by the Lieutenant Governor in paragraphs 2 to 22, and 32 to 49 of his Minute, and in the portions of the Report which he summarizes.

I should not have adverted to this, did I not believe that a more full and frank admission of the shortcomings of Government, made early in the course of the discussion, would have mitigated much of the soreness which is felt by the planters, even when they must admit that it is the "system," and not the action of the present Government, which is to be blamed, that system being one which a vigilant, farsighted, and energetic and just Government ought never to have permitted to exist.

Reticence on this point has also, it seems to me, tended to deprive the present Lieutenant Governor and many of his fellow public servants of a large portion of the credit which is their due for aiding in putting a stop to a state of things which was disgraceful to any civilized Government. It is greatly owing to reforms in law and administration, some of them initiated and many more aided by the present Lieutenant Governor and some of the public servants who have acted with him during the past few years, that the Government of Bengal is no longer chargeable with permitting the existence of a state of anarchy, in which law and right were almost powerless before illegal force and corruption.

I know it is not easy to put such conclusions in language which shall not be open to objection as a breach of official propriety; and had the Government of to-day and the Governments of some years back been the only parties concerned, reserve would have been more than becoming, it would have been a duty. But as the case stands, a candid admission of Government's own share in the blame of permitting such a system was due, in my opinion, to another party, the planters, who, if they share the blame equally with Government, have to bear almost the whole of the penalty.

A further reason for such an admission may, I think, be found in the fact that though much has been done, the work of reformation is still very incomplete. There are more and better courts of law, and some improvement in police; but much remains to be done before the defects which have caused all the evil of the indigo system are supplied, and before Government can sit down and say it is blameless, when such a state of things as the Commission describe is proved to exist.

We must not forget that long after the East India Company ceased to be a trading company, and up to a very recent period, persons connected with high officials under Government were supposed to be deeply interested in indigo; and the ryots' belief that the Government wished them to sow indigo as before, was something more than a misapprehension of the favour with which Government regarded a valuable branch of industry.

It will be to the lasting credit of Mr. Grant's Government that under his rule the ryots learnt the real truth as to the wishes of Government, and as to the exact footing on which they and the planters stood towards each other in the eye of the administrative Government, as well as in the eye of the law.

It is the more to the honour of the Lieutenant Governor that he has so rigidly adhered to the strict line of his principles, because the pressure which was put upon him to induce him to relax was different in kind as well as in degree from anything to which public men in this country are generally exposed. I have the less hesitation in expressing my admiration of Mr. Grant's constancy to the course he thought right, because I have sometimes had the misfortune to differ from him as to particular portions of his policy.

Among the causes which led to the late crisis, I think hardly sufficient prominence is given to the general growth of intelligence regarding the rights of the ryots and other reflex results of the education which has of late years pervaded many classes immediately above the ryots. In this point of view, the question has always seemed to me far graver than its merely economical aspect would lead us to suppose; and regarding it as merely one symptom of a general awakening to the condition of serfdom under which they have long existed, the crisis does not seem to me to be yet passed.

It is perhaps this view of the subject which induces me to differ from his Honor the Lieutenant Governor, the Honourable Mr. Beadon, and his Excellency the Governor General, on the subject of the appointment of a special indigo commissioner. I do not think very much is to be expected from such an officer as a mediator or arbitrator between the planters and cultivators. But I do think it very desirable that Government should have annually before them
a report

report on the state of feeling and other relations between the planters, the zemindars, the ryots, and the Government officials and courts of justice, and that this report should be drawn up by one who not only has no individual interest to serve, but who is not biassed, as a local official more or less insensibly becomes, in favour of any class or party, or, it may often be, in behalf of the administration of which he is a member. Some of the most intricate problems of Indian policy and political economy are now in course of solution in these districts, and it is impossible to tell how much good may be done and error avoided by a timely consideration of such facts as would necessarily come to the notice of such a commissioner in his travels through the country, and which would be brought before Government in his reports with an authority and clearness which they would not otherwise possess.

On the subject of a law for the enforcement of contracts to deliver agricultural produce, I concur generally in the views of his Excellency the Governor General and the Honourable Mr. Beadon, and I would send the Bill, of which a draft is appended to Mr. Beadon's Minute, to the Lieutenant Governor, the Indigo Planters' Association, and the British Indian Association, for their remarks on its provisions.

On other points, such as the employment of honorary magistrates, the establishment of small-cause courts, and the improvement of the police, I have separately recorded my views at length.

(signed) *H. B. E. Frere.*

MINUTE by Honourable *S. Laing*, dated 9 February 1861.

HAVING touched on the indigo question generally, in a Minute on the establishment of small-cause courts, written a day or two before these papers reached me, I have little to add.

On the Lieutenant Governor's Minute on the Indigo Report.

No one can doubt the radical unsoundness of the system which prevailed in Lower Bengal.

No one can fail to give the Lieutenant Governor the highest credit for the spirit of true humanity and justice with which he has set his face, in spite of much obloquy, against a system so oppressive to the peasantry of a district under his charge.

It may be that this feeling has led the Lieutenant Governor, as the Governor General observes, in his letter of the 29th December, somewhat to underrate the local value of the indigo trade, and I feel some distrust of the calculations which tend to show such a loss on the cultivation as to make it impossible that this branch of industry can continue to exist under a free system in Lower Bengal.

Five-sixths of the indigo of India is actually produced, to the satisfaction of all concerned, at prices which I believe are generally lower than the limit at which, according to the Lieutenant Governor's figures, the cultivation must entail positive loss.

A more important question may be, whether the principle so clearly laid down in para. 50 of the Lieutenant Governor's Minute has been strictly adhered to, viz., "that any interference on the part of Government between planter and ryot can only complicate the question, and should be confined to providing good magistrates, good judges, and good police, who shall see justice done to all, and leave no room for oppression on the one part, or fraud on the other."

I never heard any reasonable advocate of the indigo planters carry his complaint further than this, that the Government had not adhered to this just rule, but had issued proclamations which were misunderstood, and, in fact, taken the initiative in repressing evils which should have been left to redress themselves under a system of strict law and impartial justice.

It is useless, however, to go back on those questions, and I am quite ready to admit that there may have been reasons, in the excited state of the ryots, which made it impossible for the Government to remain silent.

Letting "bye-gones, therefore, be bye-gones," and looking to the future, there are, as it seems to me, two clear principles to guide us.

First. That which I have already quoted from the Lieutenant Governor's report.

Secondly. That laid down in the seventh paragraph of the Governor General's letter, which says, "that there are reasons for giving to the English capitalist engaged in the indigo (and I would add, any similar) trade, all the help and encouragement that can be given to them short of special legislation."

On the second of these principles, I advocated the experimental establishment of two small-cause courts with English judges in two of the most important indigo districts.

Beyond this I should doubt the expediency of any special commission or other temporary measures. The question is now, I believe, entirely one, first, of price, second, of enforcement of contracts.

On the second point I entirely concur with Mr. Beadon that there ought to be a distinct law for the prompt punishment, as a criminal offence, of fraudulent breach of contract, not in the case of indigo only, but generally.

The only question is, whether the simple extension of Act XIII. of 1859 would not be the best means of attaining the object.

There is no difference of principle that I can see between the case of a carpenter in a town who, having received an advance to do certain work by a certain day, breaks his contract without reasonable cause, and that of a ryot who, having taken money on a contract to deliver indigo, fails to do his best to fulfil his engagement. And there are other cases, not included in Mr. Beadon's Bill, which are of great importance, and within the same principle; as, for instance, when a coolie, having with his eyes open entered into a contract, and taken an advance to work for a certain time at certain wages on a tea or coffee plantation, fails to perform his contract. However, there may be good reasons for providing by a special Act applicable to contracts for agricultural produce, and to restricting it as proposed; and I am quite prepared to concur with the suggestion that Mr. Beadon's draft should be adopted and sent to the Lieutenant Governor and the Indigo Planters' Association for their remarks.

I think, also, that although a registration of contracts is desirable, we should not wait for it, but introduce the Bill at once.

There can be no doubt that the labours of the Indigo Commission have been of the greatest possible service, and they deserve our best thanks.

(signed) *S. Laing.*

(No. 393.)

From *W. Grey*, Esq., Secretary to the Government of India, to *W. S. Seton-Karr*, Esq., Secretary to the Government of Bengal; dated Fort William, 27 February 1861.

Sir,

Home Department. THE Minute recorded by the Lieutenant Governor, on the report submitted by the indigo commission (received with your letter No. 6810, dated 22d December), having been laid before the Government of India, I am directed to communicate the following observations.

2. The Governor General in Council considers that the Lieutenant Governor has dealt with the subject fully and clearly. His statement of the case, his review of the evidence taken before the Commission, and the conclusions he has arrived at, seem to his Excellency in Council to be eminently just and fair.

3. The Governor General in Council entirely agrees in the opinion that the cause of the evils in the system of indigo cultivation in the lower districts of Bengal is to be found in the fact, that under that system the manufacturer has required the ryot to furnish the plant for a payment not nearly equal to the cost of its production; and he concurs in the opinion that it is to the system, which is one of very long standing, much more than to the planters themselves, that blame attaches.

4. As is usual when the interests of two important classes of the community are in open antagonism, and when a great evil is in process of righting itself, the Government has been blamed sometimes for not interfering enough, some-
times

times for interfering too much. Upon a careful retrospect, it appears to his Excellency in Council that the only reproach to which the Government is justly open in its treatment of the two classes, planters and ryots, is that of having left the ryot too long in ignorance of the protection which he might claim against the proceedings of any planter who had bound him by unreal obligations, and who had enforced these by unlawful means. The Lieutenant Governor is quite justified in saying that the administration of the law has not been impartial. The evidence taken before the Indigo Commission shows what the nature of the above-mentioned obligations and means has been, and how they have been used, especially by the native servants of the factories; and his Excellency in Council is sorry to say that it does not show that the ryots have been adequately defended against them.

5. In this respect the Government has been long in fault; and the fault is a part or a consequence of the general and acknowledged imperfection of the administration of justice and of police in Bengal. But as regards the crisis through which the Government and the people have passed, the Governor General in Council is not aware of any thing which could wisely and safely have been done in the last twelve months, and which has been left undone.

6. On the one hand the planters were, in the exigency of the moment, protected to the very verge of justice to the ryots by Act XI. of 1860. In truth, if that Act had not been declaredly temporary, it would have been unjust to the ryots. On the other hand, the ryots, having become sensible of their position, were cautioned against pressing just grievances with violence or excitement, and were solemnly warned against repudiating contracts which were real. They were also warned against the delusion (to whatever extent this may have existed), that the Government was opposed to the cultivation of indigo, and means were taken to compel them by force, if necessary, to be peaceable.

7. There was at one time risk of conflict, arising from a coercion of the ryots where their contracts were real, and where the planters would have been justified in compelling them by law to sow. No such conflict, however, has arisen; and the merit of this is due to the planters for their wise forbearance.

8. In a proclamation issued in one district an error was committed by the apparent ignoring of the obligations of those ryots who were under engagements to sow indigo in years subsequent to the present year. This was pointed out in my letter No. 1639, dated the 31st of August, and it is believed that no evil resulted from it. At all events, the continuance or recurrence of any evil that was likely to result from it (such as the repudiation by any ryot of a *bonâ fide* obligation to sow or to deliver indigo) was guarded against as far as the Government could guard against it.

9. In the opinion of the Governor General in Council the Government could not properly have done more than has been done to ease the crisis to the planters, and to induce the ryots not to refuse to sow. No uninterested person who reads the evidence recorded by the Commission will fail to see that the Government, having regard to the strong feeling evinced by the people against the cultivation of indigo, and to the reasonableness of that feeling, would have been unfaithful to its duty if it had not made known to the ryots exactly their position under the law. He will see that any attempt on the part of the Government to persuade or reconcile those ryots to sow, even for one season, who were not bound to sow, would have been liable to very dangerous misinterpretation. And on referring to the Lieutenant Governor's Minute of the 17th of September, describing the scene through which his Honor passed about that time, it will be apparent, that although it was the peaceful people of Bengal with whom the Government had to deal, and although they were quite orderly and respectful, their conduct demonstrated unmistakeably that to endeavour to stint or delay their exercise of free judgment in disposing of their land or labour might have led to consequences much more disastrous than any partial discouragement of the growth of indigo.

10. To the Governor General in Council it appears that there was only one fitting and safe course for a Government to take in such circumstances—to speak the truth plainly and fully to both sides; to warn both, and to be prepared to enforce order with a strong hand.

11. The Lieutenant Governor shows what proportion that part of the indigo trade of India, which has been in jeopardy, bears to the rest of the trade. This is very deserving of attention. Less than one-fifth of the produce of the Bengal Presidency, or about one-seventh of the produce of all India, has been in peril. In other words, six-sevenths of the indigo cultivation of India is carried on upon systems which, if not all equally sound, have not had their unsoundness pushed to the extreme and dangerous length which has been reached in some parts of Lower Bengal. This shows that the interests of India as an indigo producing country are not widely in peril; and it is presumptive evidence that where the system has been unsound, the remedy lies with the planter, and not in changes of the law. For those who grow indigo on a sound system live under the same law, and, to a great extent, under the same local administration with those who grow it on an unsound one.

12. With reference to the hope expressed by the Lieutenant Governor that the planters will act in the spirit of the recommendations made by the Indigo Commission, and make concessions to the ryots, in order to induce them to continue the cultivation of indigo on mutually advantageous terms, I am desired to refer to the letter from the secretary to the Association, dated the 5th September last, from which it appears that those recommendations were promptly acted on, and that terms of concession were then agreed to which, if adopted by the planters generally, must materially tend to produce the desired effect, and which, it is understood, have already been granted in many factories with success.

13. The Governor General in Council estimates the local value of the indigo trade higher than he understands it to be rated by the Lieutenant Governor. Of course that value depends mainly upon the profits which indigo brings to the producer and to the manufacturer. But the trade is valuable on other grounds also. The cultivation and manufacture together give employment to many more persons than would be employed if grain crops alone were raised. It is believed that in and about the factories of one firm alone* upwards of 60,000 persons are engaged at one season or another; representing an outlay which, together with the planters' and merchants' profits, is drawn from Russia, France, and England mainly, but more or less from every civilised country in the world.

* Messrs. Watson.

14. And although it is true that grain, rice, and oil seeds would, at present prices, be far more valuable crops than indigo, this has not always been so, and it may not continue. It is certain, that as Upper India extends and improves its productions, and as the facility of transport increases, the tendency will be towards a general equalization of prices in all articles the cultivation of which is common to a greatly extended area; whilst Lower Bengal, having a soil and climate better suited to the growth of indigo than any that have yet been discovered in the world, would not, as regards this product, be affected by any new area that could be brought within reach of the port of Calcutta. It is, therefore, quite possible that rice and grain may again become unremunerating crops, while indigo, cultivated upon a sounder system, would not only hold its own against them, but would become more and more profitable as the extending wants of foreign markets gave a higher value to the peculiar advantages possessed by Bengal.

15. These are not, of course, reasons for protecting or bolstering up the cultivation of indigo in any place, and least of all where it is cultivated upon a system which is not sound; but they would be reasons for viewing with regret any general break-down of the indigo trade of Bengal if a general break-down were imminent, and they are reasons for giving to the English capitalists engaged in that trade all the help and encouragement that can be given to them short of special legislation. By special legislation the Governor General in Council would be understood to mean any legislation which should confer upon indigo planters greater power and facility than are accorded to other classes in the making or enforcement of contracts, or in the punishment of breaches of contract. He concurs with the Lieutenant Governor in deprecating any laws of the kind.

16. But the Governor General in Council believes that help may be properly and usefully given to the planter without departing from this principle. Already the

the fraudulent breach of contracts for service, of contracts with artificers and labourers, or of contracts for public works, are cognizable by a magistrate, and punishable with fine or imprisonment; a similar law may, in the opinion of the Governor General in Council, beneficially be applied to contracts for the delivery of any agricultural produce (not of indigo alone) where the breach of contract is fraudulent, and where advances have been accepted.

17. Such a law ought not to be retrospective in its operation, like Act XI. of 1860, so as to render ryots liable to penal consequences for the breach of contracts made before the law was passed, and when the enactment of such a law could not have been foreseen. It should be confined to written contracts and to the fraudulent breach of them, and it should not take effect until after full notice had been given of the conditions on which such contracts would be made. It should probably also be limited to contracts of not more than a year's duration and of a certain maximum value.

18. Under the provisions of the Penal Code, if a ryot deceives a planter into the belief that he means to deliver a certain quantity of plant which he does not intend to deliver, and thereby dishonestly induces the planter to advance money upon the faith of such delivery, the ryot is held to be guilty of cheating, and may be punished under section 415 of the Code; but not so if, at the time of obtaining the money, the ryot intends to deliver the plant, and afterwards breaks his contract by wilfully refusing to deliver it. In the latter case he is liable only to a civil action for breach of contract. It seems to the Governor General in Council that a step beyond this may beneficially be taken. If a ryot receives an advance for the delivery of indigo or sugar, intending to deliver the same, and afterwards wilfully and without any lawful or reasonable excuse, neglects or refuses to deliver it according to the terms of his contract, he certainly is guilty of a fraudulent breach thereof, and may properly be punished for it. If he fails through inability to fulfil his contract, the case is different; but if he wilfully and without lawful or reasonable excuse neglects or refuses to perform it (the burden of proving which must rest on his accuser), the Governor General in Council can see no reason why he should be on a different footing from artificers, workmen, labourers, or contractors who fail in like manner to perform a stipulated service of work.

19. But his Excellency in Council would not propose to go so far as to bring such conduct on the part of ryots under the legal definition of cheating, and to make them liable to imprisonment for a year, or to fine, or to both, under the provisions of the Penal Code. He would not make it even punishable in the first instance. He would propose to give the magistrate power to receive complaints against ryots and others of fraudulent breach of contract, not amounting to cheating as defined in the Penal Code, and after ordering payment of damages, or specific performance when it is possible, to punish them with imprisonment and hard labour if they fail either to pay the damages or to perform the contract, or to give sufficient security for the same.

20. The minority of the Indigo Commission have recommended that contracts to cultivate and deliver indigo should be enforced by a law of this kind whether an advance be given or not; but in this the Governor General in Council does not agree with them. By confining the law to contracts made under advances, it is left to the option of the ryot to bring himself under the operation of the law, or not as he pleases; and moreover the essence of the fraud in the breach of a contract of this kind consists chiefly in the fact that an advance has been given. And so far from tending to perpetuate the pernicious system of advances, which is a consideration urged by the minority of the Commission, his Excellency in Council believes that the tendency of a law, such as that above proposed, would be to incline cultivators to contract without advance, and so to keep themselves out of reach of the summary jurisdiction and penalty.

21. Neither does the Governor General in Council agree with the minority of the Commission in thinking that it is necessary to confine the operation of such a law to registered contracts. He is favourable to a general registration law applicable to all contracts, but not to a special registration law applicable to indigo contracts. He considers, too, that the effect of registration as a security to the ryot against fraud on the part of his employer has been over-

rated. When a general registration law is passed, and machinery for working it provided, registration will be as necessary to the validity of indigo contracts, as to that of all others. But the summary enforcement of contracts for the delivery of indigo ought not to wait for a registration law.

22. By confining the operation of the Act to contracts made after it comes into force, and to contracts for one year only, the ryot will be protected against any but civil consequences for the breach of any contract he may have already entered into, and to some extent, of any such improvident arrangement running on from year to year as those described in the Indigo Commissioners' Report.

23. Looking to the safeguards which now exist, and which are day by day becoming more effectual, and to the recent determined resistance exhibited by the ryots, the Governor General in Council has no apprehension that the proposed Act will be used as an engine of oppression on the ryot, or that the ryots will be compelled against their will to take advances, while, on the other hand, he has little doubt that the measure is of all things that which is most needful to satisfy the planters that the Government is in earnest in its desire to give them fair protection against the fraudulent evasion by ryots of their voluntary contracts executed in consideration of an advance.

24. A copy of the Bill which it is proposed to bring in for this purpose is submitted for the Lieutenant Governor's perusal.

25. The Governor General in Council agrees in the Lieutenant Governor's objections to the appointment of special indigo district officers, or of special indigo commissioners.

26. To the employment of special commissioners indeed (which was much pressed upon the Government at one time) there is, in the judgment of his Excellency in Council, a fatal impediment. Unless the number of them were far greater than the supply of thoroughly competent and available persons would permit, they would be quite unequal to the task. The area of the districts* in which alone serious differences have arisen between the planter and the ryots (and the operations of the Commissioners could not fairly be confined to those), extends to about 15,000 square miles; the roads within it are few; it is intersected with large unbridged rivers; and it is studded thickly with indigo factories. An attempt to refer all disputes in indigo matters to any moderate number of roving commissioners would, in such a country, infallibly fail, whilst the expense would be a large addition to the cost of the existing judicial establishment of the country.

* Rajshahye.
Maldah.
Moorshedabad.
Nuddea.
Jessore.
Furreedpore.
Pubna.

27. The idea of employing special commissioners seems to have been taken from the example of the inspectors of factories or of coal mines in England; but in a country where railways and good roads are as yet unknown, where the land is a swamp, and in some parts a lake, for four or five months in the year, and where each factory consists not of a compact building, and some hundreds of workmen living within a stone's throw of it, but of a tract spreading over many miles, and including numerous villages and their lands, the example is not appropriate.

28. The Lieutenant Governor touches briefly upon the suggestion to invest indigo planters with magisterial powers as honorary magistrates, and refers to his previous Minute upon that subject. His Honor is aware how strongly the Government of India desires to obtain from non-official gentlemen in the indigo districts, and elsewhere, aid in support of the law, and general co-operation for the purposes of government, and I am desired to express the earnest hope of the Governor General in Council that the progress of the measure will not be permitted to lag.

29. No one, the Governor General in Council feels sure, will dissent from the Lieutenant Governor as to the patience, firmness, and impartiality with which the Indigo Commission have conducted their inquiry, and the considerate manner in which they have reported their conclusions to the Government. The members have one and all fully deserved the high commendation bestowed on them by his Honor; and his Excellency in Council would desire to record the
satisfaction

satisfaction with which he perused the separate Minute of the minority, which appears to him to express a very correct and comprehensive view of the question, though their recommendations are not all such as he is able fully to concur in.

I have, &c.
(signed) *W. Grey*,
Secretary to the Government of India.

Judicial, No. 71.

To His Excellency the Right Honourable the Governor General of India
in Council.

My Lord,

Indian Office, London, 18 April 1861.

1. YOUR letter dated 28th February (No. 21) 1861, transmitting further papers relating to the cultivation of indigo in Bengal, together with the draft of a Bill "To provide for the punishment of breaches of contract for cultivation, production, gathering, provision, manufacture, carriage, and delivery of agricultural produce," has been considered by me in Council.

2. The provisions of the Bill are general, but have evidently been called forth by the special circumstances relating to the cultivation of indigo, and, as such, I will proceed to consider it.

3. I have already stated to you in my Despatch (No. 63), of the 8th instant, that (with reference to the evidence given by men of intelligence to show that, if fairly treated, the ryot will readily act up to his agreement, and also to the experience afforded by the operation of the law of last year (Act XI. of 1860) for the summary enforcement of indigo contracts as to the danger of transferring to the criminal functionaries, matters which more properly belong to the jurisdiction of the civil courts), I do not consider any sufficient reason has been shown for applying to the Legislature to enact laws for the summary enforcement by the criminal courts of contracts for the delivery of agricultural produce.

4. Since the above-mentioned Despatch was written, I have received your letter (No. 16), of the 4th February last, to which is appended a statement showing that, out of 609 contracts put into court in the district of Nuddea, to support prosecutions under the Summary Enforcement Act, no less than 43 were written on stamp papers bearing forged endorsements, and that 10 of the cases supported by these documents were decided against the ryots. In regard to the remainder of these contracts, the magistrate states that they "all agree with the entries in the vendor's books, but between 200 and 300 of them have been prepared by the same hands, the handwriting of the seven or eight forgers who were employed in the work being recognisable."

5. But apart from the question of fraud in the drawing up of the contracts, the Report of the Indigo Commission, and the evidence which accompanies it, taken in connexion with the proceedings under Act XI. of 1860, leave little room for doubt that advantage has been taken of the temporary necessities of the ryots to induce them to enter into engagements for the cultivation of indigo; that force and threats of violence have been used to compel them to sign contracts; and that they have been made to sign blank papers, to be afterwards filled up to suit the purposes of the factory. It certainly does not appear desirable to take extraordinary measures for enforcing contracts which are so frequently of so objectionable a character.

6. Nor is the summary process for enforcing the contract less liable to objection. The Act XI. of 1860 (from the sentences under which no appeal was allowed) came into operation in the month of April of that year. It appears from the statement appended to the Minute of the Lieutenant Governor of Bengal, dated 17 August, that within the course of four months he had been compelled to interfere in behalf of 126 persons, who had been convicted of alleged offences which were not punishable under the Act, or on insufficient evidence, and to direct their immediate release. The experience afforded by the operations under Act XI. of 1860, conclusively establishes the very broad distinction which

exists between the exceptional cases of contract to which, hitherto, it has been deemed right to confine the application of the criminal law, and the contracts comprehended in the present Bill. The former will be found to comprise only cases of the simplest character, and susceptible of the easiest proof. But in indigo contracts a very careful judicial investigation would be required in nearly every case; first, as to the formation of the contract, and, secondly, as to the circumstances which have induced the ryot to break it, and hence the necessity for a lengthened and patient inquiry arises, which can only be fitly conducted in a civil court, and for which the course of business and necessity for immediate dispatch in a magisterial court are wholly inappropriate.

7. This question, moreover, is not one on which we have only the experience of the last year to appeal to. The violation of a contract for the cultivation of indigo was made a criminal offence by sect. 3, Reg. V. of 1830 of the Bengal Code. Five years' experience of that law led to its absolute repeal by Act XVI. of 1835. A reference to the returns for the period during which the regulation was in force, shows that, whilst its provisions were frequently resorted to in two or three of the districts of Bengal, where difficulties have recently occurred, in Behar, where a system more fair and considerate towards the ryot was in operation, the regulation was all but a dead letter.

8. I must remark also that the opinions of the able persons who have on former occasions considered the subject, are entirely opposed to the course which you have proposed to adopt.

9. The Indian Law Commissioners, headed by the late Lord Macaulay, "agree with the great body of jurists in thinking that, in general, a mere breach of contract ought not to be an offence, but only to be the subject of a civil action."* They proceed to draw their exceptions, but among such exceptions there are none which would warrant the idea of including among them breaches of contracts for the cultivation or delivery of agricultural produce.

* Note P. Indian Penal Code.

10. The Legislative Council has never entertained the idea of making any such measure a part of the permanent legislation of India. In circumstances of great emergency, an Act was passed in the year 1860 for the summary enforcement of indigo contracts, but it was limited in its operation to the then current season. At the time when that Act became law, the Penal Code was under the consideration of the council, but no such suggestion as that of giving magistrates jurisdiction over breaches of contract relating to agricultural produce was made. On the contrary, this identical breach of contract was thus referred to in one of the illustrations to section 415 of the Code:—"If A., at the time of obtaining the money, intends to deliver the indigo plant, and afterwards breaks his contract, and does not deliver it, he does not cheat, but is liable only to a civil action for breach of contract."

11. The view taken by the Secretary of State in Council of the Act of 1860 was communicated to you in my Despatch, No. 84, of the 24th July 1860, in the following terms:—"The provisions of the Act by which a violation by the ryot of a civil contract, of the nature specified in the Act, is made the ground of a criminal prosecution by the planter, appears to Her Majesty's Government to be open to serious objection. The measure, however, which is very properly limited to the indigo season of the current year, was intended to meet an emergency which had suddenly arisen, and as such only it is allowed by Her Majesty's Government."

12. I must now refer to a deliberate act of your Government. It was only a few days before the expiration of the period during which Act XI. of 1860 was to be in force that a proclamation was issued, under your instructions, by the Lieutenant Governor of Bengal, which contains the following clause:—"It is not the intention of the Government of India to re-enact the temporary law for the summary enforcement of indigo contracts by the magistrates, which law will expire on the 4th of October next, corresponding with the 19th of Assin. After that date actions for breach of existing contracts will be cognizable, as before, by the civil courts." It seems to me that the ryots could place no other construction upon these words than as conveying to them an intimation, from the highest authority, that they were not again to be subjected to a law of the same character

- as

as that which was then about to expire, but were to be left to the operation of the ordinary and permanent law.

13. And, finally, the majority of the Indigo Commissioners have, after the most careful inquiry, given their decided opinion against the enactment of any such measure as that which you have laid before the Legislative Council, an opinion in which the Lieutenant Governor of Bengal has expressed his entire concurrence.

14. The question, then, of making breaches of contract for the cultivation and delivery of agricultural produce punishable by criminal proceeding is not one which now for the first time presents itself for consideration. It has been maturely considered, and the deliberate judgment of the Indian Law Commissioners, of the Legislative Council, of the Secretary of State in Council, of the majority of the Indigo Commissioners, of the Lieutenant Governor of Bengal, and even, as it appears to me, of your own Government, has been recorded against any such measure.

15. I am not prepared to give my sanction to the law which you propose, and to subject to criminal proceedings matters which have hitherto been held as coming exclusively under the jurisdiction of the civil tribunals; and I request that the Bill for the punishment of breaches of contract, recently introduced by you into the Legislative Council, may be withdrawn.

16. Your letter, No. 24, of the 3d March last, transmitting further proceedings of the Lieutenant Governor of Bengal in connexion with the cultivation of indigo, has just been received, and will be more fully acknowledged hereafter. In the meanwhile, I have to observe, that any illegal combination among the ryots to withhold their rents, if established to the satisfaction of the Government, should be met by prompt and vigorous measures on the part of the local Government and the district officers, and, if necessary, by immediate legislation. Early attention should be given to the subject, for the purpose of providing an efficient remedy for such an extraordinary emergency as that of the ryots of a particular locality combining to withhold their rents from the proprietor of whose lands they are the tenants.

17. An Act authorizing the local Government to introduce, on cause shown, into any district, or part of a district, the process of summary arrest and distraint, as it existed before the passing of Act X. of 1859, would probably meet the exigency of the case.

I have, &c.

(signed) C. Wood.

(No. 24 of 1861.)

Home Department.—Judicial.

To the Right Honourable the Secretary of State for India.

Sir,

In continuation of our letter No. 16, dated the 4th ultimo, we have the honour to forward the Special Narrative of the proceedings of the Government of Bengal No. 13, dated the noted on the margin, reporting further proceedings connected with the indigo 7 March 1861. excitement in Bengal.

We have, &c.

(signed) Canning.
H. B. E. Frere.
Cecil Beadon.
S. Laing.

Fort William, 8 March 1861.

(No. 13 of 1861.)

Government of Bengal.—Judicial.

Special.

In continuation of the judicial narrative, No. 8 of 1861, herewith are for-

Letter from Commissioner of Nuddea, No. 2, dated 9th February 1861.

Letter to Board of Revenue, No. 474 A, dated 27th February 1861.

Letter to Member of the Legislative Council for Bengal, No. 475 A., dated 27th February 1861.

Letter to Commissioner of Nuddea, No. 476 A., dated 27th February 1861.

Letter to Member of the Legislative Council for Bengal, No. 501 A, dated 5th March 1861.

Letter to Commissioner of Nuddea, No. 503 A., dated 5th March 1861.

warded, for the information of the Right Honourable the Secretary of State, copies of reports from Mr. Herschel, the Magistrate of Nuddea, and from Mr. Lushington, the Commissioner of the division, containing further observations made by them in their cold weather tours, in regard to the present state of that district, as well as of the district of Jessore, in connexion with the excitement on the indigo question.

2. It will be seen that the feeling against the cultivation of indigo is still very strong in some quarters. While the planters complained of the unlawful evasion of contracts by the ryots, they, on the other hand, ignored the existence of such contracts, or complained that such contracts had been forced upon them. With a view to the effectual settlement of such disputes in future, the Commissioner suggested the necessity of a general law for the registration of all contracts, and stated the means by which it should be carried out. The Lieutenant Governor had before expressed a strong opinion in favour of such a measure; and, as he was of opinion, notwithstanding the objections urged as to its practicability, that there would be no harm in trying it as an experiment, he has drawn the attention of the Legislature to the expediency of passing such a law.

3. A difficulty in the collection of rents was still felt by the planters in certain parts of Nuddea and Jessore; but all that could be done by the local authorities to induce those concerned to act fairly and honestly had been done, and in many instances with success. Where there were substantial grounds for dispute it was clear that nothing but legal decisions could settle the matter. In cases, however, where there was no *bonâ fide* dispute, and rents were withheld merely for the purpose of injuring the person to whom they were due, the Commissioner was of opinion that the mere costs of suits were not an adequate penalty for such dishonest conduct, and that some specific penalty over and above interest and costs in such cases would be a just reward. The Lieutenant Governor, concurring in this opinion, at once desired the Bengal member of the Legislative Council to take into consideration the propriety of bringing in a Bill to this effect.

4. In connexion with the question of rents, Mr. Herschel, the Collector of Nuddea, remarked, that Act X. of 1859, under present circumstances, required amendment in several points. The Board of Revenue has been requested to take this subject into consideration, and report upon it at an early date. With reference to the anomalous state of things noticed by Mr. Herschel, where a zemindar complained that certain ryots would not pay rents, whilst the same ryots were offering money to the zemindar, and the payment so far was only prevented by the fear of both parties of injuring their claim in respect to some point in dispute, the Board were requested to take into consideration whether, without a change in the law, some plan could not be devised by which, in such cases, ryots could be permitted to pay money into court on account, without prejudice to either party. The result of this reference will be reported hereafter.

5. The state of things in the several indigo districts in the Rajshahye division continues very much the same as described in the previous reports. The papers noted on the margin,* containing the reports of the tours of the several magistrates, are herewith forwarded.

6. On

* Letter from Commissioner of Rajshahye, No. 64, dated 24th January 1861.
Ibid. No. 104, dated 5th February 1861.

6. On the 20th of the last month Messrs. Jardine, Skinner, & Co. handed over to the Lieutenant Governor copy of a letter they had received from the manager of the Baleakandy Factory, in the district of Furreedpore,* reporting that a most violent and unprovoked attack had been made on the person of a gomashtah of the factory by some ryots. The wounded man, it was said, recognised some of his assailants, and the magistrate was authorised at once, on Messrs. Jardine, Skinner, & Co.'s representation, to offer a reward of 250 rupees to any one who would give evidence that would lead to the discovery and apprehension of the perpetrators of the outrage. A copy of the magistrate's letter† on this subject is appended, showing that immediate action had been taken in the matter by himself and by his police.

7. The accompanying copy of a demi-official letter from Mr. Tottenham,‡ the magistrate of Furreedpore, to the address of the Secretary, shows that the feeling, in certain parts of that district, against the cultivation of indigo, still continues to be very strong.

8. The paper noted on the margin|| is forwarded, in continuation of paragraph 9 of the Judicial Narrative, No. 63 of 1860, and has reference to the complaint made by Mr. Kenny, of the Salgamoodia Factory, of delay in the investigation of certain cases of outrage committed on persons connected with the factory. It will be seen that one of the cases occurred on the 18th October, and the other on the 4th of November, and that both were satisfactorily disposed of, and the defendants punished by the middle of December. The Commissioner is of opinion that the proceedings in these two cases were well conducted.

(signed) *W. S. Seaton-Karr*,
Secretary to the Government of Bengal.

Fort William, 7 March 1861.

From *E. H. Lushington*, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal, (No. 2, dated the 19th February 1861).

Sir,

I HAVE the honour to submit, for the perusal of the Lieutenant Governor, the accompanying copy of letter, No. 21 Ct., dated 11th instant, from the collector of Nuddea, containing a further report on the state of the Nuddea district, as observed by him during the remainder of his cold-weather tour, together with the following account of my own proceedings up to date.

2. My report in my former letter was brought up to the 28th December, when I arrived at Shikarpore, the principal factory of Messrs. Jardine, Skinner & Co. in Kishnaghur.

3. Before entering into the details of my present tour, I beg to record a brief sketch of my route.

From Shikarpore *via* Katli and Ruttenpore the concerns of Messrs. White, Smith, & Hills, to Kishnaghur.

From Kishnaghur by Baunsbariah, Mr. J. White, proprietor, through the country belonging to the Bengal Indigo Company and the Loknathpore concern, by the proposed railway feeder to Kotchandpore, in Jessore.

From Kotchandpore *via* Chowgatcha to Jessore.

From Jessore *via* Jingerghatcha and Bongong to Barraset.

4. The total distance accomplished during my whole tour amounts to about 300 miles.

5. I found

* Letter to Magistrate of Furreedpore, No. 421 A., dated 22d February 1861.

Letter from Magistrate of Furreedpore, No. 55, dated 28th February 1861.

Letter to Magistrate of Furreedpore, No. 517, dated the 7th March 1861.

† Letter from Commissioner of Dacca, No. 11 B., dated 12th February 1861.

‡ Demi-official letter from Mr. Tottenham, Magistrate of Furreedpore, dated 25th February 1861.

|| Letter from Commissioner of Rajshaye, No. 137, dated 20th February 1861.

5. I found the people on my arrival at Shikarpore in great excitement.

6. Mr. M'Leod, the present resident manager, but who has long been connected with that part of the country, was smarting under the loss of his Nijabad lands, the possession of which had been claimed by the ryots, and which had not been restored to him under Act. IV. of 1840, until the time for sowing had passed away; the servants of the factory were full of complaints of petty annoyances and oppression; the ryots until quite lately had been bringing to bear on them; and lastly there were the ryots themselves, who, assembling in great crowds round my tent, were loud in their charges against the factory amlah, resolute in expressing their determination not to take any advances, and vehement in denouncing the whole system of planting as one continuous source of oppression and loss.

6A. After remaining at Shikarpore five days, I found all attempts to bring about a better feeling between the two parties to be utterly hopeless. Mr. M'Leod was unwilling, on the one hand, to come forward and seek the ryots' good-will, having, as he considered, shown them every kindness, while the ryots, on the other, though alleging nothing personal against Mr. M'Leod, denied altogether being under any obligations, and looked upon themselves as the aggrieved party, and not the factory.

7. As Messrs. Jardine, Skinner, & Co. had laid much stress on all their ryots being under five years' contracts, which were not yet expired, I would mention that I took particular care to impress on the ryots on all occasions the dishonest part those were acting who were under such engagements, but who refused to fulfil them; but I never received but one answer—"We know of no such agreements; what the factory may have on record, we cannot say; we were certainly never made parties to any such deeds."

8. Some persons had, it appears, expressed a wish to take advances, but before Mr. M'Leod would make them, he required that they should first record their willingness to sow in a petition to the magistrate. Not long afterwards the same parties publicly declared that they had been forced into their contracts; and similar cases have, I understand, occurred in other parts of the country.

9. I believe that this conduct may be generally explained by the circumstance that the people taking the advances found they had thus incurred the ill-will of their neighbours, and rather than face it out and complain, if illegally interfered with, they adopted the dishonest expedient under notice.

10. The planters will of course have their remedy against such persons for breach of contract in the Civil Court; but what is really wanted is a general law for the registration of all contracts. If such a law were in existence, such cases as the above would rarely occur, and when they did, there would be, comparatively speaking, no delay in obtaining damages, or in securing an order for specific performance, which alone would be of infinite benefit in a business like indigo, where the difference of a day almost gives or deprives the planter of the prospect of a crop.

11. The three great requisites in a registration law would appear to be cheapness, despatch, and security.

12. To obtain the first effectually, registration should be compulsory, and then the only limit to the rate of fees would be what would be sufficient to entertain registrars on befitting salaries. I believe four-annas registration fee, including the purchase of the paper, would be found to cover all expenses.

13. Despatch would come by assigning circles to the registrars, through which they would be constantly travelling, notifying beforehand the dates and places where they would hold their sittings. This would bring registration to every man's door.

14. Lastly, security against fraud would be obtained by requiring that the village chowkeedar, or some other well-known person in the village, who could always be found when wanted, should certify on oath to the registrar that the parties registering were the parties they represented themselves to be. Without this, in a country where men have no scruples in representing other people, registration would be a useless form.

15. My

15. My next halting place was Katli, on which Mr. Herschel has reported chiefly from information obtained subsequent to my visit.

16. The various questions regarding Ootbundi tenures raised by Mr. Herschel will be more properly considered in a separate communication; I shall merely notice now that there are peculiar difficulties at the present time connected with the realisation of rents held under this class of tenure.

17. There are no written engagements for these lands, and the ryot, who has probably held them for several years, pays rent for them throughout the year, holding back five or ten per cent. of the rent subject to adjustment on the measurement of the precise quantity he had in cultivation. If, however, anything should interfere to break the confidence which may have hitherto existed between the two parties, and a whole village refuse their Ootbundee rents, no defaulter will point out the lands he has cultivated, and in all probability the *halsuma*, on whom the zemindar has depended for these very particulars, joins with the defaulter, and refuses to supply them.

18. I believe the law to be sufficiently strong to enable the zemindar ultimately to secure his rights in such cases, but it must generally be at the cost of much harassment and some delay. At the close of this letter I have ventured to offer some suggestions how such vexatious refusals should be dealt with.

19. During my stay at Kishnaghur few opportunities were afforded me for ascertaining any particulars about indigo or rent. I would beg to mention, however, that Mr. Savi, of Moisingunge, one of the oldest and most highly-respected planters in the district, was not in difficulties in regard to either the one or the other, though the ryots were certainly a little backward in rent, but this was attributed by Mr. Savi to the scanty cold-weather crops, and not to any desire on their part to defraud. The native zemindars gave different reports on this subject, but the only instance in which the ryots were charged with withholding rents from their landlord appeared to be satisfactorily explained. The zemindar was a well-known oppressor, and, as usual, had been pressing for unlawful dues.

20. Having noticed Kissengunge in my previous report, I shall pass on to the country between it and Kotchandpore. It belongs almost entirely to the Kalbolea and Loknathpore concerns. There were no troubles about rent, but evidently a strong feeling against indigo. One of the persons brought to my notice was popularly known as "Member of a Committee for the Suppression of the Cultivation of Indigo." I believe the committee consisted of no other members but himself, though there are certainly many other men like him in different parts of the country, who exert their influence with the ryots not to enter into engagements with the factory.

21. So long as these individuals do not exercise illegal threats or oppression in support of their views, it would be gross injustice to interfere with them; and I think the Lieutenant Governor will consider that I went to the very verge of propriety, in telling them that it would be altogether better for them to mind their own affairs, and to leave other people to judge what would be most to their own advantage, or the contrary.

22. Kotchandpore is one of the greatest sugar markets in Jessore, and I arrived there in the height of the busy season. The trade is carried on by native merchants, who come for the season from a distance, and two or three European gentlemen, some of whom reside there all the year round. One of the latter informed me, that, notwithstanding the excitement connected with indigo, which had been prevailing around him, people had in every respect behaved as heretofore.

23. Besides cash purchases to a great extent, the firm to which this gentleman belongs frequently advance large sums of money to the smaller native merchants in the town, on no other compact than that they should give them the first offer of their sugar at the market price; and the number of carts they dispatch laden with sugar to Kishengunge often averages a hundred per diem for days together.

24. In the matter of these loans, it very rarely ever happens that the borrowers depart from their compacts, and the hackeries are hired by contract under competition.

25. I would solicit the particular attention of the Lieutenant Governor to the above circumstances, for sugar is almost the only trade in which Europeans are engaged in Nuddea and Jessore, besides indigo, and the manner in which it is conducted, without local influence or authority entirely to the satisfaction of all concerned, is a most complete answer, in my humble opinion, to all the assertions which are being constantly put forward, that no business in this country can be safely carried on without such aids, besides special laws to meet every departure from the original bargain.

26. From Kotchandpore I proceeded to Chowgatcha, and thence made a short detour to Katgurrah, a factory belonging to the Bengal Indigo Company, where I met a large body of ryots, who had refused to pay rents. The men admitted they were in arrears, but all disclaimed any intention to defraud, and after they had promised they would pay up immediately, I dismissed them. I shall have occasion to refer to these men in a subsequent part of this report.

27. At Jessore I remained a fortnight. No complaints reached me of difficulties regarding rents from zemindars living near the station, but no improvement was reported to have occurred among the ryots belonging to the planters in the northern part of the district.

28. As regards native zemindars, however, I was glad to learn that in Baboo Hurinath Roy's zemindaries, which is the largest in the district, all differences between him and his ryots were reported to be generally settled, excepting those connected with his indigo factories, and these were then under adjustment.

29. After leaving Jessore, my first halt was at Jinghergatcha, where several of Mr. Mackenzie's ryots were collected to meet me.

29. A. These ryots had all been reported by Mr. Mackenzie to be heavily in arrears; and though both Mr. Skinner, from Jessore, and Mr. Oliphant, from Bongong, had been personally exerting themselves to induce them to meet his demands, their efforts had been unsuccessful.

30. On my examining these ryots, some admitted that they were defaulters, and would pay at once; others that they had paid already, and held dakhilas; and others again declared that the zemindar had informed them Mr. Mackenzie's lease had expired, and therefore he had no claims on them.

31. With regard to the first class, nothing further could be done than to express a hope that they would fulfil their promises; but questions were involved with regard to the other two classes which could only be disposed of on a regular trial. In one class, for instance, Mr. Mackenzie declared the receipts to be forgeries, and that several had been already impounded by the Collector of Kishnaghur. In the other, the ryots said that the release held by Mr. Mackenzie had expired, and they were supported in their statements by the zemindar, who, when shown by Mr. Mackenzie the deed renewing the lease, and a letter under his own seal to that effect, denied their validity, though part of the land referred to in the lease had been sublet by Mr. Mackenzie to Mr. Larmour, who was then in possession of it.

32. At Bongong I had a second meeting with the Katgurrah ryots, who had scarcely paid a rupee, though, as I stated, they had promised to pay up without any reservation. After some little inquiry, they admitted what they had concealed before, that they intended to dispute with Mr. Larmour the amount of their jummahs, by denying the existence of a settlement of the estate which was made by him three years ago, and asserting that the rents they had paid up were all, or nearly all, he was entitled to receive, according to old civil court decrees in their favour. Here was another case in which further interference on my part was clearly impossible.

33. I beg now to give a statement of the arrears of rents due in the several concerns

concerns of the Bengal Indigo Company, which I have prepared on the information of their general manager, Mr. Larmour.

| NAME OF FACTORY. | Total Collections due for Twelve Months. | Amount yet remaining to be collected, after making Allowances in full for the Kists which may be due from the present Date up to close of the Year. | REMARKS. |
|----------------------|---|---|--|
| | Rs. a. p. | Rs. a. p. | |
| Mulnath - - - - | 1,40,000 - - | 30,000 - - | In several of these properties the year is out already. |
| Katgarrah - - - - | 65,000 - - | 11,500 - - | |
| Lokenathpore - - - - | 72,000 - - | 16,000 - - | |
| Kall Boleah - - - - | 60,000 - - | 14,000 - - | |
| Putkabbarri - - - - | 42,000 - - | 15,000 - - | |
| Bijoolie - - - - | 22,000 - - | 16,743 - - | |
| Sendorrie - - - - | 40,000 - - | 21,000 - - | |
| TOTAL - - Rs. | 4,41,000 - - | 1,24,243 - - | |

34. According to Mr. Larmour's own account, this disposition to refuse payment, which certainly presents a very formidable aspect, has arisen within the last two months. Up to that time there was not only no backwardness to pay rents anywhere south of Lokenathpore, but Mr. Larmour was of opinion that people seemed favourably disposed to take advances for indigo. Since that date one village has followed another in rapid succession, and kists which were discharged willingly on the 12th Magh were altogether refused on the 24th.

35. Judging from the examination of some Zemindaree papers, Mr. Larmour was so good as to place at my disposal these refusals to pay, except in factories like Sendorrie and Bijoolie, do not consist of small sums scattered over numerous villages, but are confined to large sums which are due from a few. For instance, out of 36 Turufs in Katgarrah, 28 have paid up as usual, and the bulk of the balance due is from the remaining eight.

36. Possibly this rapid spread of refusal to pay rents in the Bengal Indigo Company's properties may have been promoted by Mr. Larmour refraining from instituting suits against those who first commenced the movement, and this emboldened others to follow in their path; but at the same time there can be no question of there being a strong spirit abroad in the Jessore and Kishnaghur districts on the part of the ryots to try the issue of struggle with their zemindars wherever they think they have a chance of success. Their becoming better acquainted with the rights and privileges under Act X. has of course something to do with this, and the circumstance that the planter zemindar no longer occupies the same powerful position has also a great deal to do with it. This last observation also accounts for the many petty civil suits which have been instituted in some parts of the country this year compared with last.

37. In almost all the disputes regarding rent, which have been brought before me, the refusals have been founded, as in the examples I have given on some ostensible grounds why payment should be withheld. These grounds will not perhaps stand the test of judicial investigation, but at the same time they can never be settled without it.

38. I believe Mr. Larmour quite concurs with me in this necessity of an appeal to the law, and I have accordingly to solicit that a Deputy Collector may be appointed with powers under Act X. in Barraset, Nuddea, and Jessore for the purpose. Each suit will be tried in the village in which the arrears have accrued, or as close to it as possible. By this means they will be rapidly disposed of, the cost of time and trouble to the zemindar will be reduced to the minimum, and possibly the sight of some of the principal defaulters condemned in all costs and interests may have the effect of breaking up these combinations, and inducing others to pay up without further difficulty.

39. The above arrangement is as much as can be done for any zemindar under the law as it now stands, but I think the 12 per cent. interest which would thus be paid to him on the arrears, exclusive of cost, is not a sufficient remuneration

for the expense, anxiety and trouble he would incur in procuring that which may have been withheld from him on frivolous or vexatious reasons. In cases where zemindars have to borrow money to pay the Government revenue, this remuneration would be entirely absorbed in raising the loan.

40. A ryot is amply protected from a zemindar illegally enforcing even a just demand against him by section XII. of Act X. On the same principle, therefore, it would be only fair to the zemindar to afford him some similar compensation, say up to 24 per cent. instead of 12 per cent. interest on the arrears, whenever it might appear to the Collector that the ryot has been holding back his rents on grounds which were manifestly fraudulent and vexatious.

41. I earnestly beg to recommend this question to the Lieutenant Governor's consideration, in the hope that if he should be pleased to concur in my view, it may be brought before the Legislative Council without delay.

42. In conclusion, I beg to make a few remarks regarding indigo. Except among native zemindars, whose ryots rarely ever think of refusing to obey their demands, the prospects are very limited. In the Bengal Indigo Company only 9,000 beegahs have been sown against 76,000 of last year, and the greater part of this quantity is south of Bongong, where at present the ryots pay rents readily, and have taken advances. At Jinghergatchat, Baunsbarea, Katli, and Hobrah, and some others, the concerns are nearly closed.

43. But unfortunate as these results must be to those connected with this important trade, I would mention that I have seen nothing in the temper of the ryots to show that they would never return to it. Very few have expressed to me their abhorrence of the system necessary to be followed in its cultivation, compared with those who have confined their objections to the simple declaration that it does not pay, and that both these difficulties may be overcome would appear to be clear from the Charchat ryots in the Baraset district, who were the first to raise their voices against it, being now the first to take it up again.

From *W. J. Herschel, Esq.*, Collector of Nuddea, to the Officiating Commissioner of the Nuddea Division (No. 21 Ct., dated the 11th February 1861).

Sir,

I HAVE the honour, in continuation of my letter, No. 8, of the 7th ultimo, to submit a further report on the state of the district, as observed during the remainder of my cold-weather tour, and lately out in camp at Meharpore.

2. The second half of our tour was through the western part of the district, principally, if not entirely, through the concern of Mr. J. White Smith, of Katoolee, and Mr. Hill's Ruttenpore concern.

3. The result of my inquiries while on tour, was much the same in this part of Mr. Hill's concerns as elsewhere.

The ryots were greatly in arrears, and very extensive proceedings were going on to put the zemindaree rights of the planter zemindar into full force, with the offer as an alternative of taking advances for indigo. I visited the Pathurghatta village in particular, of which no rents had been paid, and found the ryots in a very sulky mood about the matter, and inclined to make all kinds of objections. I insisted, however, on payment of undisputed rents, and a sum of 1,100 rupees was paid up shortly after, and about as much more has been paid since, but still barely half of what is claimed.

In this village indigo advances were not thought of. The breach between the two parties seemed too great for this. The ryots stated that they had deposited 1,500 rupees with a mahajun in Krishnagur, to meet any claims for rent through the courts.

I observe that this village has petitioned the Legislative Council; their petition must have been in the hands of their Calcutta agents at the time I was in the village. If so, and if only lately prepared, their conduct did not correspond with their petition.

4. In the Katooley concern the indigo question has not been mooted this season as yet, and the fact therefore that the ryots are greatly in arrears, cannot be attributed to any pressure on this point. The ryots, when asked, admit that there was "not even any talk of indigo," and give as their reasons for non-payment the usual one of excessive demand. But this plea has not been substantiated in the greater number of cases instituted by Mr. Smith; on the contrary, the pleas put in have in many cases been proved to be untenable and vexatious, and in almost every case I have on appeal found the planter's claims correct.

5. But the question of rent is much complicated here by the fact that Mr. Smith, like very many other zemindars in this part of the zillah, is mahajun as well as zemindar and planter.

Note.—Mr. Larmour has expressed a wish that I would correct an apparent mistake in the contents of my last report, from which it might be thought that this village is one of his, which it is not.

planter. He has supplanted all the village mahajuns, and has golabarees, in which he stores his grain, all over his estate. Such a combination of dealings can seldom be satisfactory, and I do not think therefore that the present bearing of the ryots towards Mr. Smith can be taken as a general index in other cases. But in many points their conduct resembles that of other ryots in different parts of the district, and throws a light on it, which I am sorry to notice and report.

6. There seems a decided tendency among them to try their strength with the zemindar on a number of points, and the zemindar is determined to assert his rights on each point to the utmost letter of Act X., which, under the present circumstances, seems to require amendment in more than one place. The points which are disputed are—

1st. The mode in which measurements should be carried out.

2d. The zemindar's right to eject Ootbundee tenants. (This point is not contested in court as yet, but the ryots do not quit their tenures when ordered by the zemindar to do so).

3d. The right to take rent on Ootbundee crops before measurement.

4th. The right to take sood, kurchas, paiya (or ameen's expenses), bharibatta and such like abwabs.

5th. The rates which ought to be imposed.

6th. The rope which ought to be used in measurement.

7. The first is the most difficult to deal with. The zemindar is generally re-measuring his estate entire or measuring the crops for this year's rent. He complains that the ryots do not attend the general measurement, or that they prevent him from measuring the crops, or that they absent themselves, and won't point out their own crops.

The ryots protest against a general measurement either because one was lately made, or because the lease is nearly closed, or for some other reason, and in the case of measuring crops, only they say (and this applies also to the other case when measurement is submitted) that they do not wish to stop the measurements, but the ameen begins measuring their mocureree jumma lands as Ootbundee (phasala), and will not let them see the measurement papers, nor let them take copies of them, nor will he sign the chittas which they prepare, or they object to the rope which is being used, and ask for a prohibitory order against it, and that the ameen may be ordered to sign their chittas, and let them sign his.

8. The Act provides a remedy only for the zemindar in such cases, and that remedy is the simple one that, if the ryots do not attend after being ordered to do so by the court, their objections shall not be heard afterwards. But the only way by which the zemindar can secure this remedy is by appeal to the court, and the ryots may, therefore, by making their objections judiciously complete, stop the measurement.

The zemindar, however, may, by disregarding their objections, and simply not complaining, measure as he likes, until force is used to prevent him, for the ryot has no means of protesting against any measurement by the zemindar, except by absenting himself, or by using force. He does sometimes one and sometimes the other, by coming to complain to me, or by simply preventing the measurement by show of force; but the law gives me no means of interfering till the zemindar chooses to complain, so that the ryot has no legal mode of securing attention to his objection, except by making measurement impossible, and that is the practice which he is now adopting.

9. A remedy for this would perhaps be best attained by throwing the initiative in court, not on the zemindar, but on the ryots, who might be allowed to call on the zemindar to show cause on the objection.

10. For the present I have ordered the ameens (where I have the consent of both parties) to acknowledge presentation of written objections, by endorsing and returning them to the ryots, who are then to allow the measurement to go on. Both parties seem quite satisfied with this, and I hope it may facilitate progress; but I have little faith in the success of any mediatory steps, and would avoid them altogether if it were possible. It is painful to have the zemindar complaining constantly that the ryots of a particular village won't pay, and to have the same ryots offering money to the zemindar, and yet to refuse to interfere to remove the hitch, whatever it is that prevents the cash from changing hands, but I believe it the safest plan in the long-run to do so, and I have only interfered in measurement matter because time is so pressing.

11. The second point of dispute is one which has naturally arisen, as the right to eject such tenants is the main hold of the zemindar upon them. Resistance is of course to be expected, as most of the ryots are settled cultivators. The extent of work which may be thrown upon the courts in the settlement of this question is quite uncertain, but we should be prepared to meet a very great number of applications for aid to eject ryots under section 25.

I have already received a petition from Mr. J. Hills, junior, of Katcheekatta, asking for a general notice through the police on all his Ootbundee ryots to stop cultivation, unless under fresh pottah from the zemindar. This, of course, could not be granted; but as Mr. Hills appears determined to enforce his right, I anticipate a large number of suits for ejectment.

12. The third point is only a temporary subject of dispute. The ryots have been so long settled

settled on their Ootbundee lands, that they have been generally called on to pay rent (in anticipation of measurement) on last year's papers, and the custom has worked well enough as long as harmony existed, but this year the ryots very frequently claim to pay only on what they choose to state that they hold, and in every case that has come before me in court they state a great deal less than they held last year, whereas it is quite certain that on the average they hold more than that.

13. The question has been very generally raised, and is the cause of a great number of the suits in court. The claim made by the ryots appears most in accordance with reason at first sight, but the custom is against them, and the statements on which they rest their claim to change it are certainly false, and the measurement papers of last year have therefore been upheld as the base of the claim for rent pending measurement this year.

The zemindar is thus thrown back upon his measurement papers, and has to prove them, and this he cannot always do. His witnesses sometimes break down completely, and the claim for rent for 1,267 goes with them for the present, while the whole arrears of rent due by the whole village on the Ootbundee lands for 1,266 are lost for good. The fact that in one such case perjury is actually brought home to the plaintiff's witnesses, and that in another their evidence is so weak as to cause the rejection of the documents they produce, more than outweighs the fact that in half-a-dozen other cases the papers are proved, and it encourages the ryots to hold out in every case till a judicial decision is delivered on the validity of the papers.

14. It is to this distrust to which the zemindar is suddenly exposed, that by far the greater number of suits under Act X. are owing; it is a distrust which it is quite out of the power of any executive authority to remove as long as judicial decisions continue to keep it alive, and I cannot pass the opportunity of pointing out the present position of affairs as one in which a separation of the judicial from the executive functions is signally required. I believe that at the present moment so anxiously are judicial decisions awaited, and so keenly are they criticised, that it has become a real source of weakness to them that they are pronounced by the same officer who is responsible for the peace and quiet of the district. I have had during the last month upwards of 400 cases to hear on appeal, of which about one-half have been decided; and I find in consequence that at the very moment when the power to form and act rigorously as an executive officer upon broad views of the position of parties is essential, I have been distracted and held in check by the necessity of close attention to details of evidence on the bench, and that it is hardly till I sit down to write a report that I can take anything like a complete view of my position.

These circumstances are exceptional, for the great quantity of judicial work is the cause of it; but it is because this result must always ensue at every critical period that I beg to draw attention to it.

15. I doubt whether there will for months to come be so small a quantity of judicial work again as during past years; and though up to the present moment I cannot see the faintest indication that the dispute between ryot and zemindar is spreading beyond the planters' estates, I cannot feel sure that such will not be the case if the result of the present batch of appeals be not satisfactory, and I beg, therefore, that some provision be made for relieving me either of part of the appeals (if that be legal), or for sending me a deputy collector of sufficient experience to take charge of the treasury and part of the current duties of the office, and to assist me in the income-tax.

16. The fourth cause of dispute is always a prolific one, and is only remarkable now for the emphasis with which it is urged. Some of the abwabs claimed as rent by the zemindar are not so, and are rejected, but most of them are really part of the rent. The zemindar of course only claims in court such as he thinks he can gain, and I know little, therefore, of the extent to which others are being contested, but I fancy they are almost entirely refused.

17. The fifth and the sixth are questions which indicate particularly the temper of the ryots. They are in some places making an attempt to re-introduce the old pergunnah ropes where they have been superseded for years, and they even have taken copies of the old canoongoes' papers to try and restore the rates which prevailed half a generation ago. These points cannot give much trouble, except that of deciding them, but they show the temper of the ryots, and that on other more debateable points there may be a great deal of work before us. For the present, the staff of deputy collectors which I have (two having just been withdrawn) is just enough for mofussil work; but if either the Messrs. Watson or Mr. Larmour should follow Mr. Hillis' example, a large increase may be necessary.

From *W. S. Seton-Karr, Esq.*, Secretary to the Government of Bengal, to the Secretary to the Board of Revenue (No. 474 A., dated 27 February 1861).

Sir,

I AM directed to forward the accompanying copy of a letter, No. 2, dated the 19th instant, from the Commissioner of Nuddea, and of its enclosure, being reports on the present state of that district in regard to the cultivation of indigo, but having also a special reference to the difficulty complained of by planter zemindars in the collection of rents.

2. With

2. With reference to the remarks made in the sixth and following paragraphs of Mr. Herschel's letter, that Act X., under the present circumstances, seems to require amendment in more than one place, I am desired to request that the Board will have the goodness to take this subject into immediate consideration, and report upon it without delay.

3. Concerning Mr. Herschel's remark in paragraph 10 of his report on the anomalous state of things when a zemindar complains that certain ryots will not pay rents, whilst the same ryots are offering money to the zemindar, and the payment, so far, is only prevented by the fear of both parties of injuring their claim in respect to some point in dispute, it seems to the Lieutenant Governor that some plan might be devised by which, in such cases, ryots could be permitted to pay money into court, on account, without prejudice to either party. Some small fee would seem fairly leviable, if this were done, to defray the cost of collection and accounting in the collector's office. This point may not be provided for in the law itself, but it might perhaps be possible to provide for the receipt of such deposits without a change in the law, leaving, in all other respects, the decision of any suits or the adjudging of costs in a suit to one party or the other to the officer who tries the case judicially. All that it would be necessary for the Government, in its executive capacity, to do would be to provide a place where money, intended for rent, could be deposited. If there were two rival claimants to such deposits, the money would remain in deposit until the rival claims had been judicially determined.

4. The question of the right to eject Fussuli or Ootbundee ryots (namely, men who pay rent for the land they actually bring under cultivation every year) can only be settled by legal decisions, on the merits of each case, if disputed.

5. The matter of the third point, discussed by Mr. Herschel, seems to the Lieutenant Governor to be a mere question of fact in each case. No difficulty would arise if the zemindar made proper settlements beforehand. The remedy would seem, therefore, to be in his own hands so far as the case is now explained.

6. The failure to collect illegal abwabs noticed by Mr. Herschel cannot be considered a subject of regret, but the contrary, however much any difficulty in collecting lawful rents with promptitude is to be regretted.

7. The two deputy collectors, alluded to at the end of Mr. Herschel's letter, were withdrawn with his own consent. But whatever additional strength is now again requisite will be given to him.

(No. 475 A.)

From *W. S. Seton-Karr, Esq.*, Secretary to the Government of Bengal, to *Judicial.*
A. Sconce, Esq., Member of the Legislative Council for Bengal.

Sir,

Fort William, 28 February 1861.

I AM directed to forward to you the accompanying copy of a letter, No. 2, dated the 19th instant, from the Commissioner of Nuddea, and of its enclosures, being reports on the present state of the relation between ryots and indigo planters in that district.

2. With reference to the remark made by Mr. Herschel, the Magistrate of Nuddea, that Act X. of 1859, under present circumstances, seems to require amendment, the Board of Revenue has been requested to take the subject into consideration, and report upon it at an early date.

3. With reference to the remarks contained in paragraphs 10 to 14 of Mr. Lushington's letter, as to the necessity of a law for the general registration of such contracts as indigo contracts, the Lieutenant Governor has already recorded his strong opinion in favour of that measure. I am, therefore, desired to suggest to you the expediency of immediately introducing a Bill to this effect.

After this opinion of the Commissioner, it seems, to the Lieutenant Governor, that all objections to the practicability of such a measure, founded only on conjecture, as all such objections are, must be so far disregarded as not to be allowed to stand in the way of the practical experiment which practical men recommend. No harm would be done if the measure were tried and were to fail, though the Lieutenant Governor is unable to see why it should fail, if carefully and intelligently enforced by the suitable means suggested by Mr. Lushington.

4. I am also desired to draw your attention to paragraphs 22 to 25 of Mr. Lushington's report. The smoothness with which the Kotchandpore sugar trade, in the hands of Europeans, is conducted, both in regard to the purchase of the raw material and to the procuring of its regular conveyance to the refineries, notwithstanding the state of feeling in the same district in connexion with indigo, makes it impossible to doubt that any other trade, between the same classes of persons, conducted to the mutual advantage of buyers and sellers, and stigmatized by no special coercive legislation against any person concerned in the business, would be conducted as smoothly in the same place under the general law as now in force.

5. As to the disputes in Jessore regarding rents due to planters, as zemindars and talookdars, it is clear that where there is any substantial point of dispute, which neither party will yield, nothing but a legal decision, or a series of such decisions, can settle the matter. In some cases it is manifest that the refusal of the ryots is unjustifiable. But it is known that in some places rents have been enhanced not in a legal manner. All that can be done to induce those concerned to act fairly and honestly, and to avoid all frivolous difficulties and objections, seems to have been done by the local officers. But when there is no *bonâ fide* dispute, and rents are withheld merely for the purpose of injuring the person to whom they are unquestionably due, the Lieutenant Governor entirely agrees with Mr. Lushington in thinking that the mere costs of suit are an inadequate penalty for such dishonest conduct. Legal interest up to date of execution is in fact no penalty, and it is no compensation to the party who has been kept out of his rights, and who might lose his tenure in consequence.

6. The Lieutenant Governor thinks a specific penalty of 20 per cent. over and above interest and costs a just award, where there has been no warrantable *bonâ fide* defence, and where no unlawful demand has been made. I am directed to request that you will take into consideration the propriety of bringing in a Bill to this effect before the Legislative Council at your early convenience.

I have, &c.
(signed) W. S. Seton-Karr,
Secretary to the Government of Bengal.

(No. 476 A).

Judicial.

From W. S. Seton-Karr, Esq., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division.

Sir,

Fort William, 28 February 1861.

I AM directed to acknowledge the receipt of your letter, No. 2, dated the 19th instant, with enclosure, and in reply to forward, for your information, copies of letters this day addressed to the Board of Revenue and to the Bengal Member of the Legislative Council respectively, on the several points noticed in your report and that of Mr. Herschel.

2. With reference to Mr. Herschel's 15th paragraph, I am desired to inform you that an officer (Mr. Monteath) has been appointed to assist the collector, as applied for. He might relieve Mr. Herschel of all the duties connected with the working of the income tax.

3. The two deputy collectors alluded to at the end of Mr. Herschel's letter were withdrawn with his own consent. But whatever additional aid is now again requisite will be given to Mr. Herschel.

4. I am

4. I am also desired to remark that, by the use of such words as "halsanna," unexplained, in your 17th paragraph, the value of reports of this sort is much lessened, by their being made partially unintelligible to all but those who happen to be acquainted with the precise meaning locally attached to such local terms. The Lieutenant Governor apprehends it, in this case, to mean "a man who has cultivated, for the current year," an Ootbundi or Fussuli tenure.

I have, &c.
(signed) *W. S. Seton-Karr*,
Secretary to the Government of Bengal.

From *W. S. Seton-Karr*, Esq., Secretary to the Government of Bengal, to
A. Sconce, Esq., Legislative Member for Bengal, (No. 501 A., dated 5 March 1861).

Sir,

IN continuation of my letter of the 28th ultimo, I am directed by the Lieutenant Governor to request that you will take the following further suggestion for the improvement of the process for the realisation of rents provided by Act X. of 1859.

2. At an interview which a deputation of the Indigo Planters' Association had yesterday with his Excellency the Governor General, at which the Lieutenant Governor was present, it was alleged by a manager of a very large indigo company's concern that after obtaining a decree against a ryot, the decree-holder gains nothing, because, pending the suit, the ryot makes away with his cattle and other personal property, not being standing crops.

3. The reports which as yet have reached the Lieutenant Governor from official sources have not shown that this practice has been generally, or indeed at all resorted to, and, on the contrary, he has been told by district officers that the deputy collectors employed in Act X. cases generally report that they have found not the slightest difficulty in realising the money decreed whenever the claimant takes out process of execution; although that there is some unaccountable backwardness in applying for execution, as there has been in prosecuting at all, seems clear from one fact which has been mentioned, namely, that one gentleman involved in this difficulty about rents has 600 decrees in his favour, in none of which has execution yet been taken out.

4. Figured statements have been called for from the indigo districts which will show, with certainty, how the facts are regarding the general resort to removal of personal property by ryots impleaded in rent cases. But in the meantime, as it is manifest that such frauds are possible, and that it is not impossible that they may be resorted to to an extent which would be very prejudicial to the interests of the receivers of rent, it is for consideration whether, in every case, power might not be given to a just claimant, who chooses to press his just claims in usual course to prevent them.

5. The Lieutenant Governor understands that in a rent case the claimant, if he chooses, can procure the attachment of the person of the ryot at the moment of instituting the suit, subject to certain liabilities if his demand is found to be untenable. But there is no such power in regard to the property of the ryot, which cannot be attached until decree is given against him. The Lieutenant Governor is of opinion that the process would be improved, and that the rightful demands of receivers of rents would be more assured if all the property of the defendant could be attached, from the first, at the discretion of the judge, subject to proper conditions in case of the claim being dismissed.

6. The Lieutenant Governor, as at present informed, does not think that any difficulty is likely to occur generally, or extensively, on this point; the position of the ryot being so great, and his ryottee tenure so valuable, that there is no probability, in the notion that he will ruin himself to avoid paying the rent now, which he had been paying hitherto all his life, and when his tenure was not nearly so valuable as it now is. Still, considering the risk which a receiver of rents runs if they are unjustly withheld, the provision seems to him unobjectionable

in itself; and in his opinion no just demand of receivers of rent, at the present moment especially, should be refused.

7. Another difficulty started on the same occasion was that, in the present state of feeling, no ryots will buy at the auction either the personal property of the defaulting ryot, or his landed tenure and houses. But this is a difficulty which no law can overcome. The Lieutenant Governor believes that the decree-holder can buy the property himself, settling the price against the debt; and when for want of bidders the property is sold for a trifle, whoever may lose thereby, the defaulting ryot loses most. The Lieutenant Governor does not, therefore, see his way to any remedy by law on this point.

(No. 503 A.)

Judicial.

From *W. S. Seton-Karr*, Esq., Secretary to the Government of Bengal, to the Commissioner of the Nuddea Division.

Sir,

Fort William, 5 March 1861.

IN continuation of my letter, dated the 28th ultimo, I am directed to state, that it has been represented to Government that in suits for rent the decree-holder seldom gains anything, because pending the suit the ryot makes away with his cattle and other personal property, not being standing crops. I am therefore desired to request that you will submit a report, after communicating with every officer under you now trying cases under Act X. of 1859, as to whether there is any real practical difficulty in realising decrees.

2. You will have the goodness to call for and submit figured statements, showing the results in this matter—viz., as to realization after decree given—in each of the indigo districts in your division.

I have, &c.
(signed) *W. S. Seton-Karr*,
Secretary to the Government of Bengal.

From *H. M. Reid*, Esq., Commissioner of the Rajshahye Division, to the Secretary to the Government of Bengal (No. 64 Ct., dated the 24th January 1861).

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 6428, dated the 30th November, and to submit herewith in original the reports of the tours made by the several magistrates of this division, and their subordinates, up to the end of December, as particularised below:—

1st. Report of Magistrate of Rungpore, No. 216, of the 24th December 1860.

2d. Report of Magistrate of Maldah, dated 28th December 1860.

3d. Report of Magistrate of Moorshedabad, No. A., dated 31st December 1860 (with enclosures from the officiating Joint Magistrate, Mr. Millet, and the Deputy Magistrate of Kurreempore, Jungypore, and Jammooakandee.

4th. Reports of Magistrate of Bograh, No. 1, of 4th January 1861.

5th. Reports of Magistrate of Pubna, No. 4, dated the 2d January 1861, with enclosures from the sub-divisional officers of Commercolly and Serajgunge.

6th. Report of Magistrate of Dinagepore, No. 33 A., dated the 5th January 1861.

7th. Report of Magistrate of Rajshahye, No. 8, of the 9th January 1861, submitting Mr. Officiating Magistrate Metcalfe's Report of the 8th idem.

2. Of the above reports, it is only necessary to observe, with reference to those of the magistrates of Bograh and Dinagepore, that there is no indigo cultivation in either of those districts. The ryots, as far as I have had an opportunity of ascertaining, are generally in a thriving condition, and appear to be

happy

happy and contented. The magistrate of Bograh was only able to be absent from the station for five days in December, owing to his having no one to aid him there except a newly arrived and inexperienced assistant. The tour of the magistrate of Dinagepore, which was cut short by an accident, was in a great measure devoted to the improvement, under the magistrate's personal supervision, of that portion of the important line of road between Rajmehal and Dinagepore, which extends through the latter district.

3. In Rungpore there are only two indigo concerns belonging to Europeans, though there are several small factories belonging to natives. There have been no disturbances, and the magistrate is not aware of the existence of any ill-will between planters and their ryots on the subject of the cultivation of indigo. The attention of Mr. Macdonald is necessarily almost entirely devoted to the work on which he is engaged as Special Commissioner, viz., the laying down of the line of boundary between Rungpore and Cooch Behar; and, as explained by him, the officiating joint magistrate, Mr. Lockwood, has been too fully occupied at the Sudder station to enable him to proceed into the interior of the district.

4. *Maldah*.—The first part of tour of the magistrate of Maldah extended for about one month, and was chiefly devoted to inspecting thannahs, visiting the sites of boundary disputes, and proceeding to Rajmehal to escort the European troops, who were on their march to Darjeeling, across the River Ganges to the station of Maldah. In his diary of tour, as far as indigo is concerned, Mr. Lewis merely alludes to the existence of a good understanding between Mr. Canning of the Booealeah concern, and his ryots; but in a demi-official communication since received from him, I learn that indigo affairs throughout the district are quite quiet, and that although some ryots in Mr. Hedger's Turtipore concern are holding back, no attempt has been made by the factory to force them to sow.

5. *Moorshedabad*.—Mr. Cockerell's letter of the 31st December, with its annexed journal, explains so completely and lucidly the nature and extent of his tour, that I have but few remarks to add to those recorded by him. His tour embraced the chief indigo factories to the south, south-east, and north-east of the district, inclusive of all of those situated in thannah Jellinghy, sub-division of Kurreempore; and the free communication which Mr. Cockerell (as I had personally an opportunity of witnessing) kept up with all parties who were desirous of having access to him, has tended, in my opinion, in no small measure, to lessen the misunderstanding which had recently sprung up between the planters and the ryots, and which at one time threatened to be a most serious one. The ryots whom I saw appeared, for the most part, anxious to come to a settlement, and as the Messrs. Watson and Mr. Deverell are both prepared to make considerable concessions, it is to be hoped that an arrangement to the satisfaction of all parties may be come to. There can be no doubt that the Messrs. Watson being either the Zemindars, Putneedars, or Ijardars of the greater part of the country, in which their factories in Moorshedabad are situated, will give them a great advantage in bringing matters to a settlement. The right to the crops of kullye, which were on the ground ready to be cut when the magistrate was in the neighbourhood, formed a fruitful source of dispute; these crops had been sown by the ryots on land claimed by the planter, and which was in most instances decreed in the latter's favour, and the planter was disinclined to allow the ryot to carry off the kullye unless he came in and settled for his indigo.

6. The joint magistrate of Moorshedabad was out in the same part of the district as that subsequently visited by the magistrate, from the 11th October to the 5th November (as will be seen from his annexed diary of tour), and during that period he settled several heavy boundary dispute cases between the factories and the cultivators; and he remarks that the excitement which prevailed on the subject of indigo when he first went into the district, gradually diminished. Mr. Platts, the deputy magistrate of Kurreempore, was also out in the Moorshedabad portion of his sub-division during the whole month of October, and decided a great many cases of disputed possession. When Mr. Cockerell went into the interior, at the end of November, there was not a single party of military police located in any portion of the tract visited by him,

a fact which I consider very creditable to himself and the other magisterial officers concerned, as well as to the mutual forbearance and good temper of the planters and the ryots.

7. The report of Mr. Man, deputy magistrate of Jungypore, of the cold-weather tour made by him, only extends to the 18th December. He does not anticipate any outbreak in his sub-division, and sees no signs of disquiet. The Baneogram concern, where a serious outrage took place in the early part of 1860, is the only factory at all likely to cause trouble; but if the zemindar gives the Ijara, as it is expected he will do, to the factory, no actual disturbance need be looked for. In the Jammooakandee sub-division there is no indigo, and the deputy magistrate reports the state of feeling of all classes to be very good.

8. *Pubna*.—The tour of the magistrate of Pubna extended over about 15 days in December, and was confined to his own immediate portion of the district. From what he had an opportunity of seeing, he reports that he has no hesitation of saying that the frame of mind of the ryots towards the Government is contented and loyal. They are fully aware that the system of compulsory cultivation of indigo is at an end, and understand what are their rights and lawful obligations, and, as a general rule, in what they may and may not look for the protection and assistance of Government. The excitement on the subject of indigo has considerably subsided, but it has in some instances been followed by overt acts of turbulence against factories and factory servants, maltreatment of the latter, and refusal to pay rents. Prompt punishment has in almost every instance followed where violence has been resorted to, and fewer instances now occur, while the rent difficulty has been dealt with in the manner specially laid down by the Government. Mr. Bainbridge considers the indefinite state of alarm which the planters are said to be labouring under to be groundless, and, where violence has been resorted to by the ryots it is to be traced, not as having its origin in antagonism of race, but to the causes enumerated in his 7th and 8th paragraphs.

9. Mr. Walker, the deputy magistrate of Serajgunge, reports, as the result of his recent tour through his sub-division, that the people generally are prosperous and contented. The relative positions of the indigo planter and ryots are well understood by the latter, who are aware that the system of compulsory cultivation is at an end. In one case, however, not contented with this knowledge, they endeavoured to obtain the upper hand, and attacked the boat of Mr. Phillips, of the Daloaree Factory, one of the Messrs. Watson's concerns; they were arrested, and duly punished.

10. The tour of Mr. Harris, of Commercolly, appears to have extended through the greater part of November and December, and to have included portions of the Heizlabut, Debracole, and Balliakandee concerns, as well as some of Mr. Durand's factories. In Hejabut the ryots were willing to pay their rents, but objected to go to the factory to pay them, lest, as they aver, they should be forced to enter into indigo agreements. On the other hand, the planter would not send to the village to collect them, through alleged fear of his messengers being maltreated. The ryots were stated to be generally quiet. In Balliakandee the state of affairs appeared to have been nearly similar, except that the factory seemed for the time to have given up in a great measure their indigo business. The ryots were ready to pay their rents, but wanted regular receipts, a demand which seems to me to have been a reasonable one. In Debracole the state of feeling among the ryots was found to be more violent, and it was brought to notice by the planter that he had experienced a difficulty in collecting his rents; no regular complaint was, however, filed on this point. During his tour Mr. Harris disposed of several Act IV. cases, the decision of which he says tended considerably to allay the existing excitement. He was subsequently obliged to proceed to Juggernathpore to inquire into a disturbance which had taken place there, and which he was still investigating at the time when he closed his report (25th December).

11. *Rajshahye*.—The tour of the officiating joint magistrate of Rajshahye extended from the 19th October to the 19th December, and in the course of it Mr. Metcalfe visited numerous villages in the southern and south-eastern parts of his district, and, besides deciding numerous boundary dispute cases, he disposed of and inquired into several other cases between planters and ryots. The deductions

tions drawn by Mr. Metcalfe from the observations made during his tour are fully detailed in his letter, and seem to resolve themselves into the conclusions that the opposition to the cultivation of indigo in those parts of the district has been kept up and heightened by the measures taken by Rajahs Pureshnarain Roy and Jogendernarain Roy, two young zemindars residing at Pooteah, and that offences, attended with violence, against property have increased in number, owing to the large number of up-countrymen who have flocked into Bengal in the expectation of finding employment as clubmen, in which expectation they have, however, been disappointed. Mr. Metcalfe remarks also on the calumnious petitions presented against himself and Captain Davies as public officers, and the presentation of which has supported the ryots on their opposition to indigo, and which has not been merely confined to tacit opposition, but has found vent in some instances in overt acts of violence. Mr. Metcalfe remarks also on the assistance he has received from Rajah Prosononath Roy, of Dighaputea Annundnath Roy, of Nattore, and other zemindars in preserving the peace of the district.

12. There are, in my opinion, good grounds for the conclusion arrived at by Mr. Metcalfe, that the indigo disputes between Messrs. Watson & Co. and the ryots, who are asserted to be under contract with them to sow indigo, have been fostered by the two zemindars alluded to, and that some of the overt acts complained of, such as that of taking forcible possession of lands, claimed by the factory as their Nijjote lands, have been similarly superinduced. To the other subjects alluded to by Mr. Metcalfe, it does not seem necessary to refer any further in this report than to observe, that instructions have some time since been furnished to the magistrate as to the proper mode of dealing with parties presenting calumnious petitions against public officers. It is satisfactory to observe that no actual affrays or riots have occurred. This is attributable partly to the presence on the disputed spots of the magisterial officers and bodies of military police, and partly also to the declared determination of the Messrs. Watson, not on any consideration to have recourse to coercive measures to obtain what they consider to be their just rights.

13. Mr. Taylor, the magistrate of Rajshahye, has furnished no details of his own tour, nor of that of his deputy magistrate, Mr. Stack, although he was himself out in September and October, disposing of some heavy boundary dispute cases, and was again out from the beginning of December to about the 20th of that month. Mr. Stack was out also from about the 20th October to 20th December, similarly employed, and in preserving the peace of the district. The officiating magistrate has been called upon to supply these missing reports. In conclusion, I would observe that there has been no pressure of rent suits in the Rajshahye district, nor, as far as I am informed, has there been any difficulty in the collection of rents.

From *A. G. Macdonald, Esq.*, Magistrate of Rungpore, to the Commissioner of the Rajshahye Division (No. 216, dated the 24th December 1860).

Sir,

I HAVE the honour to acknowledge the receipt of your memorandum, No. 1716, dated the 3d instant, with enclosure, from the Government of Bengal, and in reply to state, that I left the Sudder station upon the 5th instant for the purpose of proceeding into the mofussil; but, as you are aware, the primary object of my doing so was to define the boundary between Rungpore and Cooch Behar, under the authority vested in me by Government as Special Commissioner, and you will understand, therefore, that my tour has hitherto been, and must for the present at least continue to be, confined to the boundary line between the two countries, and that as there are no roads along the frontier, my duties are necessarily confined almost entirely to the special work for which I was appointed. I may state, however, that there have been no indigo disturbances in this district; there are only two concerns belonging to Europeans in Rungpore, and some small native factories spread over the district, and, as far as I am aware, no ill-feeling between planter and ryot exists.

2. The joint magistrate is, of course, unable to leave the Sudder station, he being in charge of the treasury and other miscellaneous duties of the collector's office, and he has to assist him at present, only a newly-appointed deputy magistrate and deputy collector, who has not special powers. There is but one sub-divisional officer, Mr. Donough, whom I, with your sanction, detained at the Sudder station until the arrival of the newly-appointed officer. He only left for Titalya by Dawk about ten days ago, as his services were urgently required at that place, to make arrangements for supplies and carriage for the troops ordered into Sikhim. I have therefore no report this quarter to send from sub-divisional officers; but as the district is perfectly quiet, this I hope is of little consequence.

JOURNAL of Tour by the Magistrate of Maldah.

November 30th, Anarpore.—LEFT the station, and marched to this place. I found the road in some parts very bad; in others it requires hardly any repairs. Along the whole line of road there are about five breaches, where it would be advisable, as soon as funds are available, to make bridges. As there is no great rush of water, I do not think that expensive masonry bridges are necessary. Mr. Cumming built a tal-tree bridge over one of these breaches, some seven or eight years ago, at a cost of about 60 rupees, and this bridge, with slight repairs, is still in good order, and likely to last for some time. I met, as I came, about a dozen carts. When the road has been improved, the traffic will no doubt increase. The crops of mustard are very fine. I noticed also small patches of tobacco in most of the inclosures, close to the huts.

December 1st, Anarpore.—Heard reports, and did a little miscellaneous business, and then went out to look after a tiger that had been annoying the people in the neighbourhood. I was unable to find the tiger. The land at the back of Anarpore is very poor; the crops of rice, which are now being cut, are very scanty, and account for such large tracts being suffered to lie waste.

December 2d, Sunday.

December 3d, Beaulah Factory.—Marched to this place round by the banks of the Poorna Baba, on which I noticed numbers of boats, bringing large quantities of rice to the hât at Ruheempore.

December 4th, Beaulah.—I inspected, in company with Mr. Cumming, the Ruheempore and Parbuttpore road. This road goes across a succession of undulations, which are steep enough to cause the road to become cut away every rains to a considerable extent, and accounts for the high rate paid for the surface repairs. It is a road of very considerable importance, the produce along the Rajshahye and Dinagepore road being brought by it to the Ruheempore hât, where it is shipped either to the north-west, the boats going up the Mahannudah and Halendry to the Ganges. I visited the Ruheempore hât, and noticed the extensive grain golahs. The Ruheempore thannah, I find, is not at Ruheempore Proper, but three miles to the south of it, at a place called Gomashtapore.

December 5th, Beaulah Factory.—Was engaged to-day settling fishery cases.

December 6th, Beaulah Factory.—Spent the day at Gomashtapore, where the Ruheempore thannah is established. The thannah is situated on the bank of the river, and ought to be healthy; but from the complaints of the Burkundazes, and the fever-stricken appearance of several, I fear it is no more healthy than any other part of the left bank of the Mahannudah. Observing the very small number of chowkeydars present, I called for the chowkeydar register, and found that it had not been corrected since 1854. At that time there were 318 mouzahs, of which 191 were inhabited and 127 were waste. The number of chowkeydars for this large extent were at that time 73. The number has now dwindled down to 35. I cannot help thinking that vacancies have never been filled up, and that both the police and the landholders have been guilty of great neglect in this matter. The last entry in the registry of absconded offenders was dated November 1860. The following are the thannah officials:—

Gopal Chunder Roy, 2d grade darogah, an inhabitant of Maldah, cousin of Goordoyal Roy, the Foujdarry head mohurir, absent on leave for four days.

Goor Mohun Goopto, acting naib darogah, inhabitant of Bikrampore, Dacca; is brother of the 2d master of the Maldah school; knows Bengali and a little English; does not appear to be very intelligent, for though he has been acting here for six months, he can tell me little or nothing about the place or people. I shall be engaged to-morrow in investigating a case against him, of having appropriated some old silver coins found by the ryots of Ruheempore, which they affirm they made over to him.

Chamroo Singh, jemadar, 2d grade, an inhabitant of Maldah; is an intelligent old man, and knows about everything and everybody in the neighbourhood. Has been acting for a year in the 1st grade. Was 24 years burkundauze and 13 jemadar. Has been 10 years at this thannah, and is anxious to be exchanged.

There are 10 burkundazes, none of the 1st class.

Modun Singh, 2d class burkundauze, an inhabitant of Rajshahye; can neither read nor write. Has been burkundauze some 18 years. Holds no certificates; is sick, and wants to be sent to some other thannah. Has been here three years.

Mohesh Singh, acting 2d grade burkundauze, an inhabitant of Chuprah, and reads and writes Nagri; a smart, clean-made fellow. Has served 10 years, of which two have been at this thannah.

Meer Imdad Ali, 3d grade burkundauze, inhabitant of Barh, Patna; seems to be intelligent; says he can write a little Persian. Has served ten years, three of them at this thannah.

Jogoo Mohun Singh, 3d grade burkundauze, an inhabitant of Chuprah; reads and writes Nagri. Has served some 20 years, three at this thannah.

Sodagur Sheikh, 3d grade burkundauze, inhabitant of Kalichuck. Can sign his name in Nagri; was formerly in Dinagepore. Tells me he once got a reward, and twice good-conduct certificates for apprehending absconded offenders. Is a smart-looking man.

Raniyad Singh, 3d grade burkundauze, inhabitant of Chuprah. Can neither read nor write; a clodhopper-looking fellow, with one eye. Has been three years at this thannah. Is related to one of the Treasury Guard.

Ghasiram

Chasiram Chowbey. Absent on one year's leave; will return in March.

Juggernath, dismissed.

Gohool Singh; a tall fine-looking fellow, acting till the appeal is disposed of.

Joogul Kissore Sookool; inhabitant of Hyhespore; suspended for three months.

Bancharam Singh, 3d grade burkundauze. Not present; inhabitant of English bazar.

Johinath Doss, the pound-keeper; seems a very respectable and intelligent man. His books seem well kept. He complains of the zemindar's people taking the fines for cattle trespassing. He tells me he is an ex-student of the Maldah Government School; his house is at Kotulpore, north of English bazar. There are three "nakas" attached to this thannah, in each of which there is a solitary burkundauze, viz. :—

Parbuttypore, 11 miles north.

Ruheempore, 3 miles north.

Soonachundee, 12 miles east.

I observed at this place a number of forges, and they tell me that large numbers of kodalties are here manufactured, and form an article of trade with Dinagepore and the districts to the north. The iron is got from Beerbhoom. The circumstance which gives this and other places in the neighbourhood an advantage in manufacture of iron is the facility of obtaining large quantities of "dhupree," a species of grass or reed, the charcoal of which is, it seems, peculiarly adapted for the preparation of iron. When crossing at the Gomashatapore Ghât, I noticed a number of hackeries, waiting to be ferried over. These hackeries come from Dinagepore, &c., *via* Parbuttypore, and, instead of crossing at Ruheempore, continue on the other side of the river to Gomashatapore, where they cross, and there make for Khansat. The ferryman told me he crossed during the season from 30 to 60 carts a day.

PRIVATE MEMORANDUM.

December 7th, Beaulah Factory.—I have been detained here another day, to investigate into the case of Treasure Trover. A large amount of old rupees were found in the bed of the Mahannudah, exactly opposite this place. The rupees were taken by various persons about. The mohurir who went to investigate the case, reported that only some 22 rupees had been found. This assertion, compared with information that I received here from people in the neighbourhood, induced me to investigate the case, which I did at Muckrampore, where the rupees were found. The ryots so distinctly state having given 91 rupees to the mohurir, that I have suspended him.

December 8th, Solah.—Marched here from Beaulah, a distance of about seven miles. The country seems better cultivated than it does on the other side of the river; mustard, kullaie and mulberry to be seen on all sides. At this place especially there is a large tract, where my chupprassies say former magistrates used to shoot buffaloes; is now almost wholly brought into cultivation. This, they tell me, is let in izarah to Cumming, by whom the lands in question have been reclaimed from the waste. I can find no feeling here against the indigo interest. There never has been any dispute or misunderstanding between Mr. Cumming and the ryots, as there has been in other concerns.

December 9th, Sunday.

December 10th, Solah.—Held Kutcherri, and continued the case against the mohurir and burkundauzes of thannah Ruheempore. At sunset got an express requisition for carts, &c., to convey baggage, &c., of troops passing to Darjeeling.

December 11th.—Left camp, and went at once into the station to see about russud, carts, &c.

December 12th.—Went out to Phoolbareah, expecting to meet the troops. Returned at sunset to the station.

December 13th.—Received at sunrise a communication from Rajmehal, saying troops had not crossed. Went that day to Rajmehal.

December 14th.—Crossed over with the troops, gave them over their carriage, and waited, expecting the artillery, who were to have crossed that afternoon.

December 15th.—Detained all the forenoon waiting for the artillery; they turned up about four in the afternoon, gave them over their carriage, and returned to the station.

December 16th, Sunday.—Went to Phoolbareah to see the troops, and to re-assure the people, who were alarmed at the presence of the Europeans.

December 17th.—Saw the troops pass through the station, signed the requisitions, advances, &c., and returned to my camp at Solah.

December 18th, Solah.—Was engaged going through the mass of correspondence that had accumulated during my absence.

December 19th, Solah.—My amlah having gone on, and my own arrangements not admitting of my marching, I solaced myself with a day's shooting.

December 20th, Turteepore.—Marched here from Solah across a vast plain sown with kullaie, mustard and kesari, about eight miles across. Heard reports after my arrival.

December 21st, Turteepore.—Held Kutcherri.

December 22d, Turteepore.—Went to visit the Nawabgunge or Chuppai thannah, some nine miles from this. Not having given notice of my visit, I had a good opportunity of seeing that the books were well kept and written up to date. The darogah and mohurir were both absent, the one looking into a "goom" case, the other keeping the peace where an affray was imminent regarding some disputed lands. The only officers present at the thannah were Goneshur Singh, 3d grade jemadar, inhabitant of Kalichuck; was formerly a burkundauze;

burkundauze; can read and write Bengali, and appears active and intelligent. Is anxious to be sent to another thannah; says he has been three years at Chuppai.

Sheikh Nezamet Ali, pound-keeper, son-in-law of Mohammed Ali, mooktear at English Bazar. His books appear to be well kept. I noticed that animals were seldom sold, the fines apparently being paid up.

Raj Bullub Misser, burkundauze, 1st grade, an old man with a white beard, can neither read nor write. Has been 50 years a burkundauze, five at this thannah.

Amanat Ali, burkundauze, 1st grade, a greasy-looking fellow, who can neither read nor write, but who appears to have distinguished himself by catching dacoits, for which he got a reward of 30 rupees. The present situation of the thannah appears to me to be very bad, for, instead of being as it might be at the ghât on the high road, it is situated in an out-of-the-way corner of the village, nearly a mile from the ghât. Mr. Russell, I believe, contemplated changing the site, and if the thannah is still kept at Nawabgunge, it will be advisable to have it at the ghât. The present jurisdiction, however, seems most unequal. Four miles south of Nawabgunge is in not only another thannah, but another zillah, whereas to the north it extends to within a mile of the Seebgunge thannah.

There are three Nakas in this jurisdiction, one at Chuppai, six miles east; one at Jeelim, eight miles south-east; one at Gossainpore, about half a mile from this. There is one burkundauze in each. After inspecting the thannah, went on about two miles to settle a road dispute, and then returned to Turteepore.

December 24th, Turteepore.—Out at day-break, and across the chur opposite this, to endeavour to settle a boundary dispute; was unable to effect a settlement. Returned, and held Kutcherry.

December 25th, Seebgunge.—Visited the thannah, and found present—

Koilash Nath Chowdry, acting darogah; speaks English, but is a poor lot as regards work. Was formerly abkarry writer, and when the salary of that appointment was cut down, he was put into the police. He is acting, he says, for Oomachurn Buxsee, who was dismissed a year ago, but whose appeal we have heard nothing of.

Memorandum.—Write to ask Commissioner.

Memorandum.—
Acting darogah,
Seebgunge.

Oboychurn Dass, Naib darogah, 2d grade, a moderately intelligent and respectable looking man, is an inhabitant of Maldah, connected with none of the amlah or police; but being an amedwar before Mr. Kemp, got his appointment some 13 years ago. Has been three years at this thannah. Holds a good-conduct certificate, dated 1848; has acted several times as darogah.

Beni Madob Doss, pound-keeper, inhabitant of Seebgunge, connected with the zemindar's agent. His books are kept up to date, but I notice that he does not shake up the book month by month; I have directed him to do so. I notice also the few instances of sales taking place, and the very small sums realised.

Chand Khan, jemadar, 2d grade, inhabitant of Gopalpore, near English bazar. Has served as jemadar 10 years; was formerly a chuprassie. Has been three years at this thannah. Has never distinguished himself; can neither read nor write.

Bissen Presad Singh, 1st grade burkundauze, inhabitant of Chandpara in the Kalichuck; can read and write Bengali; has served 15 years. Received 20 rupees reward in Dâk Banghy robbery that occurred in 1848; appears moderately intelligent.

Balk Ray, burkundauze, 1st grade, inhabitant of Bhaugulpore; has served some 26 years; can read and write Nagri; has never distinguished himself. Very short and very dirty.

Seeb Dayall, 1st grade burkundauze, inhabitant of thannah Gorgorwah, not present.

Kotub Bux, 1st grade burkundauze, inhabitant of Gopalpore English bazar, not present.

Furreed Bux, 1st grade burkundauze, inhabitant of Bovanipore, Kalichuck; can neither read nor write; looks a used-up old fellow, and past work.

Mohur Singh, 2d grade burkundauze, an inhabitant of Purneah zillah; can write his name. Is under suspension for impertinence to the Darogah.

Radanath Singh, 2d grade burkundauze, inhabitant of Gorgorwah thannah; can read and write Bengali a little.

Russool Bux, 3d grade burkundauze, inhabitant of English bazar; can read and write Bengali well; is a tall smart fellow, and has a good character from the Darogah. Has served 15 years, three at this thannah.

Aniroo Sheikh, 3d grade burkundauze, inhabitant of English bazar; a bad looking fellow; is accused of zoolum; can neither read nor write.

Seebnarayan Singh, 3d grade burkundauze, inhabitant of Chuprah zillah, related to the Treasury guard lot; seems a fair sample of an up-countryman, good-looking, able-bodied, and not very bright. Has served three years at this thannah.

Seeboo Ray, 3d grade burkundauze, inhabitant of thannah Kalichuck, a dirty, ill-looking fellow; can neither read nor write; has served four years.

Nundah Koomar Singh, 3d grade burkundauze, inhabitant of zillah Arrah, a good-looking, able-bodied man, could read and write once, but has forgotten it. An intelligent man, but I fear somewhat too accumulative in his tendencies; for his cattle and ponies are the nuisance of the whole neighbourhood, and though he says they are kept within bounds by his servants, I fear I must send him to some other thannah where his live stock will find grazing ground.

Sookur Mahommed, 3d grade burkundauze, inhabitant of this jurisdiction; can neither read nor write; has served a year and a half.

Moorali,

Moorali, 3d grade burkundauze, inhabitant of English bazar; can write a little Bengali; has served nearly a year.

There are six Nakas in this jurisdiction, viz. :—

- | | |
|----------------------------------|-------------------------------------|
| 1. Burrogurreah, 10 miles south. | 4. Dhobra, 6 miles north. |
| 2. Barhun, 3 miles south. | 5. Modiepure, 12 miles north. |
| 3. Kansat, 3 miles north. | 6. Chowdollah, 15 miles north-east. |

Most of these are along the line of road leading from English bazar to Seebgunge. The Dhobra and Barhun nakas are, in my opinion, altogether useless, and will be reported to the Commissioner for abolition. There is only one burkundauze in each naka. Memorandum.—
Nakas to be
abolished in
Seebgunge.

Inspected the books, and found them neatly and regularly kept. The last entry in the register of absconded offenders was 29th November. The pound, I observed, is a very neat one, and the money spent for its erection is well accounted for. The thannah buildings are in moderately good order. The jungle is allowed to come too close to the station, and must be cut down for 12 "hâts" all round the thannah.

The chowkeedaree register was last made up in 1856; the complement of chowkeedars, viz., 266, has, the darogah tells me, been kept up.

September 26th, Dhobra.—Marched to this place, eight miles.

September 27th, Modiepure.—Marched to this place, six miles. The road as far as Dhobra was pretty good, but from Dhobra to this place it is any thing but good. The repairs which ought to have been made a month ago are only now being made, and what has been completed has been most imperfectly done. Mr. Gray, the gentleman who has undertaken this portion of the road, will be addressed on the subject.

(True copy.)

(signed) *J. M. Lewis.*

Copy forwarded to the Commissioner.

(signed) *J. M. Lewis.*

Camp Modiepure,
28 December 1860.

From *H. A. Cockerell, Esq.*, Officiating Magistrate of Moorshedabad, to the Commissioner of the Rajshahye Division. (No. A., dated the 31st December 1860).

Sir,

I HAVE the honour to acknowledge the receipt of your memorandum, forwarding copy of Government letter, No. 6428.

2. In reply I beg to submit the accompanying report, together with the papers marginally noted. From these enclosures you will perceive that, with the exception of the deputy magistrate of Kandee, the officers at sub-divisions and the joint magistrate or myself have been out in camp, with some short intervals, since the commencement of the month of October last.

Letter No. 369, dated 18th December 1860, from the Deputy Magistrate of Jungipore.

Letter No. 216, dated 20th December 1860, from the Deputy Magistrate of Kurreempore.

Letter No. 84, dated 25th December 1860, from the Deputy Magistrate of Kandhee.

Mr. Joint Magistrate Millet's Diary of Tour in the interior of the district during the months of October and November.

3. The portion of the district visited by Mr. Millet was that in which a large number of disputes occurred; his visit had a beneficial effect. He was able in person to visit the lands regarding which cases were instituted, and to decide them on the spot. He had moreover the opportunity, of which he availed himself whenever occasion offered, of explaining personally to the ryots the meaning and intention of the Government Proclamation issued in the month of October. In addition, by at once arresting and punishing promptly and severely the ringleaders in an attempt to resist the police, and disobey the orders of the Court, he did much to secure the quiet of this part of the country.

4. I have, as my journal, which accompanies this report, shows, passed during the past month through the several concerns owned by Messrs. Watson & Company in the south-east part of the district.

5. I have visited the Dumkole, Hukohurra, Baramasia, Katlawaree and Murcha Factories, and have conversed with all classes of people.

6. At present the kulaie crop, which is on the ground, is rather a bar to any amicable arrangement. Both parties claim the crop, and most of these cases will have to be decided under Act IV. of 1840. As soon as the crop is off the ground, I am of opinion that it will not be long before an amicable arrangement of the rupture between planter and ryot in this part of the district will be effected.

7. The ryots, with whom Messrs. Watson & Co. have chiefly to deal here, are cultivators residing in estates and holding lands of which they (Messrs. Watson & Co.) are the landholders, either as zemindars, putneedars, or as long-term izardars.

8. On the one hand, Messrs. Watson & Co. are willing, if the ryots will come in and settle their accounts, to offer those who are ready to cultivate indigo for the future very favourable terms, an increase of the advance per beegah, and increased price for the produce of their lands; on the other hand, they are determined to exercise to the full limit of the law their rights as zemindars and landholders.

9. A very large proportion of the ryots residing within these factories are squatters, tenants at will, residing on factory lands, and liable to ejectment. Messrs. Watson & Co. have taken these large churs on the banks of the Pudma for the cultivation of indigo. They have given the lands to ryots on certain conditions; if these conditions are broken through, the landholders will, where they have the power to do so, eject the present holders, and replace them by others who are willing to fulfil their conditions.

10. Amongst the ryots who have mourooshee tenures there are also many who owe considerable arrears of rent, which, in consideration of their having cultivated indigo, have not been pressed for. Under Act X. of 1859, Messrs. Watson & Co. can now sue summarily for their arrears, and will do so. They have already instituted some few suits in the Revenue Court.

11. The power they thus possess as landholders, taken together with the more liberal terms which they now offer for the cultivation of indigo, will, I think, tend to bring about very shortly an amicable settlement of the differences at present existing between them and the ryots.

12. Already in Murcha, an out-factory of Akherigunge, near which my camp is now pitched, several of the ryots, who were the principal opponents of Mr. Deverell, have come in and filed a petition, requesting that their case might be disposed of, as they had made up their differences with the factory.

13. I may remark here that, whilst visiting the neighbourhood of these several factories, I have had but few distinct charges of any kind brought against the factory. The general habit has been for a number of ryots to come in and make a general complaint; amongst the men I have always found one or more men whom I have seen on several similar occasions previously as petitioners.

14. Within the circuit of each factory there are one or two of such men, and it is evident that to them the other ryots look for the line they are to pursue.

15. I have always considered the maltreatment in any way of factory servants or ryots favourable to the planter, as entirely distinct from the question of indigo cultivation; and have taken every opportunity of warning the munduls and cultivators, that whilst it was perfectly optional what crop they sowed on their land, ill-treatment or threatening conduct or language towards any servant or ryot connected with the factory would not be permitted.

16. I was glad to find, on meeting you in camp and reading the demi-official letter of the Secretary to Government to your address, that this line of conduct was that which the Government recommended and approved of.

17. I trust that my visit to this portion of the district may have been of some use.

18. There can be no doubt that, notwithstanding the last proclamation of Government (that issued in October), the ryots were to a great extent under the impression that Government had forbidden the cultivation of indigo. From all I can learn this notion had been much promoted by the late acting darogah of Jellenghee, whose conduct is now under inquiry by the deputy magistrate of Kurreempore. He appears from general report to have permitted numbers of ryots to enter their names in the Roznamcha, and they seem to have been under the impression that after this was accomplished they could not, without incurring the penalty of imprisonment, again cultivate indigo.

19. I have taken every opportunity of disabusing the minds of the ryots, pointing out to them that whilst the cultivation of any particular crop was perfectly optional, they ought to fulfil any engagement they had entered into. I have at the same time, to the best of my ability, pointed out the advantages to be derived by either side by the amicable settlement of their present disagreement.

JOURNAL.

| DATE. | Name of Place. | Distance from Sudder Station. | REMARKS. |
|------------------------|----------------|--|---|
| 1860: 30 November - | Azimungunge - | 20 Miles - | <p>Left the station, reached Azimungunge 20 miles distant, and held office during the day. On my way received complaints regarding the Chowkeedaree assessment in Dowlta Bazaar; sent the petition to the assistant magistrate with orders to institute inquiries, and send in a report on the subject. I did not stop at Dowlta Bazaar, and cannot therefore speak to the character of the police here; the thannah buildings, which are cutcha, and were erected two years ago, are in capital order. The buildings are tidily kept, and there was a neat garden, showing that the darogah took some pains to keep the place tidy.</p> <p>If the road to Dowlta Bazaar is used as a portion of the new feeder to Kooshteah, the line of it must be slightly altered here, as the present road zigzags through the bazaar and village; on the other side of the small stream below Dowlta Bazaar the road is straight, and well raised.</p> |
| 1 December - | Ditto - - | Ditto - - | <p>Dumkole Factory, one of the factories of Katakobra, concern of Messrs. Watson & Co., is within a mile of Azimungunge. Mr. Macarthur, who is in charge, called on me. The combination amongst the ryots opposed to the factory appears to be less here than in other portion of the concern. A good number of ryots came to my tents in the evening; they were all old indigo ryots, who had now stopped sowing. They all denied having even entered into any engagements to sow for five years, and all complained that the cultivation did not pay. It is extraordinary the stories these men get hold of, and appear to credit. One man told me that the Kurreempore hakeem had told him he would get six months' imprisonment if he sowed indigo. On cross-questioning him, he admitted that he had never heard this himself; that some other ryot had told him; this ryot denied having done so. This same man admitted having an ishtahar of Government in his home, stating that the cultivation was optional. I carefully explained to them that Government has no interest in the matter, and that they might sow what they liked; but if they had engagements then they ought to keep them. Their expressions regarding the sowing was, "Rajya boonile amara boonibo," (when the whole country sows we will sow too).</p> <p>I sent for several of the ryots who were accused of having put indigo factory servants out of caste. I could not take up such cases to make any legal inquiry, but I thought myself justified in sending for the principal Dharmaghat ryots, and informing them that oppression of this kind on their part could not be permitted.</p> |
| 3 December - | Jullenghee - | 32 miles from Berhampore, and 12 miles from Azimungunge. | <p>Moved my camp to Jullenghee. This portion of the road is bad and broken in parts, and in want of repair. I am not aware whether, in Ferry Fund roads, the plan known in the Public Works Department as the Noukur Coolee system has ever been tried. I believe it would answer on Cutcha roads with good European superintendence. On nearly all the main line of roads there are factories; the planters residing there are greatly interested in keeping the roads in good order. I feel certain they would at once give information when roads get out of order, and would see that the repairs were properly executed. It is the large interval which occurs in repairing the Cutcha roads which makes them so impassable.</p> |
| 4 December - | Ditto - - | Ditto - - | <p>Mr. Platts, deputy magistrate of Kurreempore, rode over to meet me. He had previously been out in this portion of his sub-division, and had decided several Act IV. cases.</p> |
| 5 December - | Ditto - - | Ditto - - | <p>The ryots about here were very clamorous and noisy. The bhag jote system is in here; they had obtained a decree from the deputy magistrate which had been reversed on appeal. The planters have eaten down the kulaie in the decreed lands by their cattle, and this has made the ryots very discontented; as Mr. Platts is going into another portion of his sub-division, a great deal of work on his hand, I have told him to send me any Act IV. case still pending.</p> |
| 6 December - | Ditto - - | Ditto - - | <p>Mr. Platts left me on his return to Kurreempore; rode with Mr. Macleod to Shikarpore, to find out what would be the most desirable line for the new road to Kooshteah; returned in the same evening.</p> |

| DATE. | Name of Place. | Distance from Sudder Station. | REMARKS. |
|------------------------|----------------|--|---|
| 1860 : 7 December - | Jullenghee - | 32 miles from Berhampore, and 12 miles from Azimgunge. | Office as usual. The Hookuharra concern is close to Jullenghee ; all the splendid churs in this neighbourhood, which were formerly sown with indigo neez and bhag jote, are this year entirely covered with kulaie ; hardly any indigo to be seen. Mr. Glass, of Hookuharra Factory, sent me several of his servants, whose hooka and napit had been stopped. A considerable number of ryots came in, and asked if they might sow indigo. They had written down their names at the thannah, and were told that if they sowed indigo now, six months' imprisonment would follow ; reassured them on this point. They stated that they had entered their names, and paid a nuzzur to the darogah. The darogah who was acting at this thannah at the time, by name Fuzul Huk, has been now removed to Nowadah. The planters complain much against his conduct, and state that this part of the country was perfectly quiet until he began admitting the ryots to roznamcha their names, and informing them that the Government orders were they should not sow. Mr. Platts has now pending before him a charge of bribery brought by Messrs. Watson & Co. against this darogah. |
| 8 December - | Ditto - - | Ditto - - | Mr. Glass in person presented a petition complaining in general terms of the oppression exercised towards factory servants, and of the whole of their neez jote and bhag jote land sown with kulaie. |
| 9 December - | Ditto - - | Ditto - - | Held office as usual ; rode in Sudder Station in the afternoon. |
| 10 December - | Ditto - - | Ditto - - | Sunday. |
| 11 December - | Ditto - - | Ditto - - | Returned to camp. The Commissioner joined my camp. |
| 12 December - | Ditto - - | Ditto - - | To-day, as in previous days, my camp was filled with considerable number of ryots, all complaining about indigo ; no specific complaints were however brought forward. It is evident that the crop of kulaie that is just now ripe and fit for cutting is the source of these complaints. The planter claims the land and the crop on it. The ryot who sowed the crop, where he ought to have sowed indigo, is now anxious to secure the crop. Took up one of Mr. Platts' cases ; found that Messrs. Watson & Co., who complained of that officer's delay in disposing of the cases, had not even yet brought the most necessary witnesses to attest the chittas they filed. The present darogah of this thannah, Mr. Platts ; he speaks well of the mohurir, is an intelligent and educated young man. |
| 13 December - | Dhonirampore | 26 miles from Berhampore. | Moved to Dhonirampore, nine miles from Jellinghee, in the neighbourhood of Barowasia Factory, in charge of Mr. Scott. Neelkunto Mundul lives close to this, in the village of Sagurparrah. He is a native of considerable influence in this part of the district. The planters accuse him of being the head and organiser of the opposition to the factory. |
| 14 December - | Ditto - - | Ditto - - | Examined factory servants who had their hooka napit band ; sent for the principal villagers, and warned them that system of oppression could not be permitted ; had large number of ryots arrived to the camp, some few putting in petition regarding kulaie, but chiefly verbal complaints. |
| 15 December - | Ditto - - | Ditto - - | The Commissioner left my camp. The darogah of Gous, 1st grade, Kisto Parshad Mozoomdar, came to pay his respects. He is a very old servant of Government, and appears to be very well spoken of. He seems a shrewd and intelligent officer. He informed me that, some time ago, when first these disputes between factory and ryots commenced in this portion of the district, many ryots came to him, being desirous of what they called, to roznamcha karma their names, that they might sow no more indigo. They informed him that the Jellinghee darogah had informed them that Government forbade the sowing. The Gous darogah very properly refused to enter their names. Sent for Neelkunto Baboo, who is the most influential native resident in this part. He is very ill ; had a long interview with his near relative, Ramsoonder, and impressed on him the views of Government with regard to the set made by the ryots against the planters. |
| 16 December - | Ditto - - | Ditto - - | Sunday. |
| 17 December - | Ditto - - | Ditto - - | Monday, office |
| 18 December - | Ditto - - | Ditto - - | Tuesday, office |
| | | | A number of petitions presented by the ryots, regarding kulaie, chiefly from Katlamaree and Alatoolee. |

| DATE. | Name of Place. | Distance from Sudder Station. | REMARKS. |
|------------------------------------|----------------|---|---|
| 1860: | | | |
| 19 December - | Katlamaree - | 24 miles from Berhampore, and 8 miles from Dhoni-rampore. | Wednesday, marched to Kutlamaree; on the road saw several grain golas; on inquiry, found they belonged to Neelkunto. He is mohajun for the whole neighbourhood. He gets half maund of the crop for every maund of rice he advances: on money he gets two pie per rupee. There is a custom in this pergunnah Luskerpore I have not heard of before, regarding the nerikh of land. There are two rates for the same kind of land; one for the mundul, one for the chasha or cultivator. |
| 20 December - | Ditto - | Ditto - | Thursday, office } A large number of petitions regarding forcibly eating down and trespassing on kulaie. These cases will, most of them, have to come under Act IV. of 1840. The ryots of this place have, Mr. Abbott informed me, got a report from those of Alatoolee, who went to Calcutta, that the Lieutenant Governor told them not to sow indigo. Seeing one of the principal ryots, who I know had been in Calcutta, I called him about it; he showed me the order, which was in English, and simply referred the petitioner to the local authorities. I directed the darogah to contradict the mischievous report, and have done so myself on all occasions. |
| 21 December - | Ditto - | Ditto - | |
| 22 December - | Meercha - | 24 miles from Berhampore. | Marched to Meercha, six miles from Katlamaree. Several of the head ryots of Mr. Deverell, who have been the chief opponents of the factory, came with that gentleman's gomashah, and informed me that they had arranged their disputes. Monday and Tuesday being holidays, they are to file their petitions on Wednesday. |
| 23, 24, and 25 } 5 December - } | Ditto - | Ditto - | Sunday, Monday, Tuesday; office closed. |
| 26 th December - | Ditto - | Ditto - | Wednesday, office } The ryots above-mentioned presented their petitions, and the cases were accordingly disposed of. Thursday - " } Friday - " } Saturday - " } |
| 27 th December - | Ditto - | Ditto - | |
| 28 th December - | Ditto - | Ditto - | |
| 29 December - | Ditto - | Ditto - | |

H. A. Cockerell,
Officiating Magistrate.

From *E. G. Man*, Esq., Deputy Magistrate of Jungipore, to the Officiating Joint Magistrate of Moorshedabad (No. 369, dated the 18th December 1860).

Sir,

WITH reference to your memorandum, No. 1181, forwarding copy of letter, No. 6428, from Officiating Secretary, Government Bengal, to the Commissioner of Rajshahye, I herewith have the honour to submit my report as requested.

2. Since my arrival here, in August, I have visited every thannah, and been travelling in the sub-division ever since September, with the exception of the time I went to Pubna.

3. I have had personal communication with the majority of the planters; have indiscriminately conversed with the natives in out-of-the-way villages in the Pulsa, Shumshergunge, and Sooty thannahs, and can confidently state, from the conversation I then had with them, and also from the opinion gathered from the planters here, that there is no fear in this sub-division of any outbreak.

4. The only place likely to cause trouble was Baneagong, and I have certain information that after the last cases there were decided, a large body of ryots went down to consult their zemindar, Roy Mohesh Narain Roy, as to what they should do; he, I believe, wishes to give Mr. Lyons the izarah, and therefore it is to his interest to keep them quiet now, which they are to this present time.

5. Aurungabad I have just stayed at a week; and although in this vicinity there are the worst set of men, yet their attentions appear confined to thefts and quarrels with each other, and not to any organization against any factory or Europeans.

6. Speaking from my own personal experience, based on the above data, I have no fear of any inquietude for the future.

7. In Pubna things appear to be different. I speak from experience, gained by the abuse I received while returning to Jungipore, in November last.

From *F. T. Platts*, Esq., Deputy Magistrate of Kurreempore, to the Officiating Joint Magistrate of Moorshedabad (No. 216, dated the 20th December 1860).

Sir,

I HAVE the honour herewith to forward the report called for in your memorandum, No. 1183, of the 8th instant.

2. On the 1st October I marched to Jellinghee, with the view of disposing on the spot of the numerous land dispute cases which existed in that thannah.

3. I remained encamped at Jellinghee till the 15th idem, on which day I proceeded to Dhunirampore Pharee, and next day removed camp to Baramasea.

4. Having disposed of all the work which had demanded my presence at Baramasea, on the 21st October, I returned to Jellinghee, whence I marched on the 23d, and halting a day at Kurreempore, arrived at Nowadah on the 24th October.

5. I remained at Nowadah seven days, disposing of such of the Bengal Indigo Company's cases as were ready for decision.

6. On the 1st November I marched to Ramnuggur, a factory of the Bengal Indigo Company, situated in the Nuddea zillah.

7. Since the 1st November I have been moving through the Nuddea portion of my sub-division, having encamped at Shikarpore, Hurisunkura, Mohishkoondoo, Hogulbereah, Shoulmaree, Meherpore, and Hat Chandni, at which place I am now encamped.

From Baboo *Shyamalanund Mookerjee*, Deputy Magistrate of Jamookandee, to *F. G. Mullett*, Esq., Joint Magistrate of Moorshedabad (No. 84, dated 25th December 1860).

Sir,

WITH reference to your memorandum, No. 1182, dated the 8th instant, I have the honour to state that I am so frequently in the mofussil and at the thannahs throughout the year, that I think that my presence in the interior of the district is less important than at the Sudder Station, where there are several petty cases ready for decision which could not be postponed without some inconvenience to the parties concerned.

2. My constantly travelling through the interior of my sub-division enables me to assure you that the state of feeling of all classes of people in this part of the country is very good.

3. The darogahs of the three thannahs under my charge are well spoken of. As to their subordinates, I shall be able to speak fully in my next report.

4. There are no indigo disputes in this sub-division, and I need say nothing on the subject.

5. I purpose going into the mofussil again about the 10th proximo.

DIARY of Tour in the Mofussil made by the Joint Magistrate of Moorshedabad.

11th, 12th October 1860.—Came from Berhampore to Bugwangolah, ten coss; remained there holding cutcherry.

13th.—Went to Asareeduha Factory, four coss, and returned in evening, having held cutcherry, and punished two defendants on the spot, which was my object in going to Bugwangolah. (Denonath Mohurir, one bukshee, went with me.)

14th.—Went from Bugwangolah to Acrigunge, five coss.

15th, 16th, 17th, 18th, 19th.—Held cutcherry at Acrigunge.

20th.—Went from Acrigunge to Katlamarae, a distance of five coss.

21st.—Sunday.

22d, 23d, 24th 26th.—Held cutcherry.

27th.—Nobin Chunder Peshkar reached me.

28th.—Sunday.

29th, 30th.—Held cutcherry; inspected a disputed road.

31st.—Visited lands belonging to the factories of Jagenpara and Baromisen, pertaining to Act IV. case.

1st November.—Held cutcherry; visited roads in dispute.

2d.—Held cutcherry.

3d. Inspected roads of the Goyash Thannah of Katlamaree Factory, and found them in good condition and well kept, with an additional one or two by the darogah; marched to Goyash Thannah, a distance of 10 miles, and held cutcherry.

4th.—Went to Doulatabad, a distance of four coss.

5th.—Returned to station, five coss.

Remarks.—During this trip I visited the factories of Asarnaduba, Acrigunge, Katlamaree, Jageerparah, Baronisea, Kamarpara, and Mircha, when there were cases connected with indigo

indigo on the days mentioned in the diary. My mornings were chiefly spent in going over ground connected with Act IV. cases, giving possession of the same, and also in settling petty disputes about roads in the neighbourhood; the ryots had become less excited, and were gradually coming into work at indigo cultivation. I returned to the station on 5th November, for the purpose of taking up some heavy cases I had left behind, and which I was unable to do before on account of the civil Court being shut, and various other reasons.

F. G. Millett,
Officiating Joint Magistrate.

FROM *T. P. Larkins, Esq.*, Officiating Magistrate of Bograh, to the Commissioner of the Rajshahye Division (No. 1, dated the 4th January 1861).

Sir,

In reply to your memorandum, No. 1832, of 31st ultimo, I have the honour to inform you that a copy of the diary of my tour in the Mofussil during the month of December was despatched on the 27th idem.

ABSTRACT DIARY of the Magistrate and Collector of Zillah Bograh.

| DATE. | Camping Ground. | REMARKS. |
|---------------|-----------------|--|
| 19 December - | Travelling - | Left town for Sherepore. |
| 20 December - | Sherepore - | <p>Arrived at Sherepore in the night.</p> <p>Office work. Investigated personally a case of cattle theft; apprehended four defendants, and sent them in to the Sudder Station to await their trial. The theft took place last night in the jurisdiction of thannah Nowkheela, and this morning the plaintiff left his house in search of the lost cattle, two in number; and to-day, being Baro-Dwarree Hât day, a famous resort, it would appear, for cattle-stealers to dispose of their stolen property, he came to this hât (which is in the town of Sherepore), and there found his cattle and the defendants, one of whom, named Toolee Fuqueer, is an old offender, having been convicted before of cattle-stealing.</p> <p>This man's reply shows clearly how these cattle-stealers carry on their trade, and how it is impossible to recover the stolen property. He stated he had come to the hât to purchase cattle. I asked him to produce his money. He said that he was a partner (as it were) with a moochee, and that the money was with him, and that he had absconded. He stated that he and his partner purchased cows, and then slaughtered them for the sake of their hides, which means, in other language, that he lived by cattle-stealing, and then by slaughtering the animals, prevented further recognition possible.</p> |
| 21 December - | Sherepore - | <p>In the morning inspected the town, with a view of carrying out the orders of Government, and introducing the chowkeedary tax. Also visited the thannah, which is a miserable dilapidated looking building, and should in my opinion be pulled down and rebuilt in a different place altogether. In the afternoon I met the principal zemindars, viz., Gossaingee, Radha Rumun Moonshee, Grees Chunder Sundyal, and Modun Mohun Shaha, to converse and settle about the boundaries of the town according to the Act, and also its divisions. By the return of the darogah, there appeared to be 938 houses. On conversing with the above-mentioned native gentlemen, the following arrangements were decided upon.</p> <p>That the boundaries of the town for the purpose of the Act be reported to Government as follows:—</p> <p>North.—The second pucca bridge on the Government road going north.</p> <p>South.—Khunkartola and Dhur Mokum.</p> <p>East.—Kurrutteea River.</p> <p>West.—Government road to Bograh; the Serampore road and jungle, running down to Khunkartola.</p> <p>That the town, being composed at present of 30 mohallas, be divided into three mohallas, viz.</p> <p>Mohalla Alipore, from the bridge to Radha Rumun Moonshee's pucca house.</p> <p>Mohall Northern Sherepore, from Radha Rumun Moonshee's house to a little north of Baboo Grees Chunder Sundyal's house.</p> <p>Mohalla Southern Sherepore from the latter to the southern boundary.</p> <p>That the Sudder Punchayet be composed of Ram Chunder Gossain, Baboo Radha Rumun Moonshee, Baboo Modun Shaha, Baboo Grees Chunder Sundyal, and the treasurer Gobind Chunder Turufdar.</p> <p>That the punchayet for the several mohallas be—</p> <p>For Mohalla Alipore—Radha Churn Dutt; Bhobanee Pershad Chuckerbutty; Gopal Sirdar.</p> <p>Mohalla Northern Sherepore—Ram Chunder Podda; Obey Churn Shah; Brijogovind Shah.</p> <p>Mohalla Southern Sherepore—Bhobanee Persad Moitra; Koodoo Sundyal Ram Kumul Shah.</p> |

| DATE. | Camping Ground. | REMARKS. |
|---------------|-----------------|---|
| 21 December - | Sherepore - | Did office work, foudjary, and collectorate. The manner in which the public thoroughfare through Sherepore has been encroached upon is disgraceful. In some places it measured only 13 or 14 feet, and in others not so much as 10 feet. This can never have been the size of the thoroughfare, as it would be impossible for bullock carts in these places to pass one another. My serious attention shall be given to this matter. |
| 22d September | Sherepore - | This morning I proceeded to Mirzapore and Khanpore, the junction of the Rivers Bungallee, Phooljore, and Kurrattea. The latter at its mouth has not more than one and a half or two feet of water, and I am told that this is much more than there was last year. The Rivers Bungallee and Phooljore are fine large open rivers, navigable all the year round for large boats up to the mouth of the Kurrattea at least, which is decidedly not a navigable river. It seems a great pity that something cannot be done to keep the Kurrattea open all the year round; but I will report more upon this subject when I proceed to Govindgunge. I wished to have visited the school to-day, but had not the time. As I shall, however, revisit Sherepore shortly, I shall then report upon it, and meanwhile will endeavour to obtain a better site for it from the zemindars. At present the school is situated in the midst of dense jungle, and I am given to understand that the boys do not attend for fear of tigers. |
| 23d September | Sunday - | Returned to town. |

From *A. J. Bainbridge, Esq.*, Officiating Magistrate of Pubna, to the Commissioner of the Rajshahye Division (No. 4, dated 2 January 1861).

Sir,

I HAVE the honour to submit the report called for in your office memorandum, No. 1716, dated 3d December 1860.

2. Since the receipt of your letter, with enclosures, my camp has been located at Chatmohur, Furreedpore, Omukhola, and Dhaparee, near the Omukhola Pharee: I have not as yet been into the jurisdiction of the sub-divisions.

3. I have no hesitation in reporting the frame of mind among the ryots towards Government as contented and loyal. As regards their relations to planters, they are fully aware that the system of compulsory cultivation is at an end; they understand what their rights and lawful obligations are, and as a general rule in what they may and may not look for the protection and assistance of Government.

4. The excitement at one time so threatening has accordingly in a great measure subsided. As might be expected after the crisis through which the combination has passed with success, a disposition to turbulence against factories and factory servants has shown itself; opposition has been extended to resistance to the payment of rents and the maltreatment of factory adherents.

5. In almost every case where the law has been broken and regular information laid, prompt punishment has followed; the disposition to excess has been greatly checked, and instances of violence are now rare.

6. The difficulty about rents has also decreased considerably, even where it was most marked, and is diminishing; and I am decidedly of opinion that, on the whole, there is fair promise of the relations of both parties returning to their level on a fairer and healthier basis than before.

7. As to the state of feeling of the planters, I consider the indefinite sort of alarm which they are said to feel, and the cry of antagonism of race groundless. Irritation is natural on their part. Hereafter, when the future admits of a calm review of the position, I believe they will admit that, on the whole, the result of the course pursued by Government is a matter of congratulation and wonder; that the rupture with the ryots was inevitable, and that they should have been directed through such excitement comparatively without loss of life or destruction of property hardly to be anticipated.

8. Within my experience, wherever violence and turbulent stoppage of rent has occurred to any extent, it was generally traceable rather to personal animosity or the influence of some ill-disposed persons who took advantage of the engine of combination from interested motives, than to any misapprehension, antagonism of race, or feeling engendered by the rupture regarding indigo on the part of the ryots. With some exceptions, the conduct of the

the police has been generally fair; the increased means placed at the disposal of the executive has enabled us in most instances to dispense with their inquiries.

9. All the sub-divisional officers deserve credit for the vigour and zeal with which they have exerted themselves to preserve the peace. Mr. Stewart, Deputy Magistrate Waseefooddeen Khan, and also Mr. Assistant Geoghegan, wherever employed, have shown particular discretion.

10. Since the receipt of the last Government demi-official letter, the tendency of the whole Executive, myself included, has been rather, if anything, to err on the side of vigour.

With reference to the course suggested in paragraph 10 of that letter, I may observe, that no planters will go into court on a wholesale scale on Kubooliats for indigo for damages.

11. The institution of the suit would be followed in every case where it was possible by the deposit of the amount, and the contractor be thenceforth a free man.

12. The continued observance of the agreement is the object sought, not the termination of the relation with the party sued.*

13. The reports on this subject from Serajgunge and Commercolly are enclosed, that from Koosteah has not been received; Mr. Stewart, having failed to procure a tent, has been unable to be continuously in the interior of his district.

From G. L. Harris, Esq., Assistant Magistrate of Commercolly Sub-Division, to the Magistrate of Pubna (No. 158, dated 25 December 1860).

Sir,

In accordance with your memorandum, dated 8 December 1860, I have the honour to report as follows:—

2. During the first week of November I was at Malliat, in the Hazlabut concern, deciding some Act IV. cases. They were decided in favour of the ryots. A charge was also made against some men for intimidating some ryots from performing their contracts, but the charge has not been supported by any evidence. Since my visit to that neighbourhood I have received no other complaints, and matters appear to be quiet; while I was there, however, it was reported that rent had been stopped. The ryots appear to be willing to pay their rents, but refused to go to the factory for the purpose, as had been the practice hitherto. The villagers appeared to insist on the factory people coming to them for their rent, which, however, the factory refused to do, as being contrary to custom. They also asserted that they were unable to go into the villages for fear of being ill-treated. The feeling generally has been quiet in this concern.

3. The next concern I visited was Dobracole. Here the feeling among the ryots was decidedly more violent. I, however, decided four out of five of the Act IV. cases which set at rest the principal cause of excitement. In this concern, also, Mr. Stevenson complains generally of his rents having been stopped, and some of his servants having been compelled to leave him, but no regular complaint has been lodged.

4. From Dobracole I visited the Balliakandy concern at Sonapore. Here there was only one case of Act IV. There were some others brought upon the file on the Darogah's report, but the factory did not prosecute its claim. Here I found also that the factory complained of its rents being stopped; the chief subject of dispute appeared to be regarding the receipts. Formerly it appears that a peon was sent into the village by the factory calling upon the ryots to come at a certain time to the factory with their rents. This the ryots do not now succumb to, while formerly they were content to receive challans as a sort of acknowledgment for the rent paid; now they insist upon being given regular receipts, and refused to pay their rent unless. In this way but a small portion of the rent, I believe, has been paid in, and the factory appears to be waiting until two or three instalments are due, and then to sue; otherwise, the feeling is quiet. The factory appears for the present to have given up in a great measure its indigo business.

5. From Sonapore I visited Larwa for the purpose of looking into the disputes between Mr. Durand and the villagers. These disputes have existed for a long time previous to the present anti-indigo feeling among the ryots breaking out, and had I remained at the sub-division, I would have made it one of my chief objects to settle matters here. The principal parties opposing Mr. Durand appear to be the Balliakandy chowdries, of whom there appears to be a great number. Mr. Durand states that they have been collecting rents, and have otherwise completely dispossessed him out of the villages. The points of dispute appear to be various, but Mr. Durand does not seem anxious to have recourse to the land for a settlement of matters. Had I remained, however, I should have made it to the

* Act X. has not been worked to any extent; I therefore refrain at present from touching on the probable effect of this course.

the interest of both parties to put an end to this chronic state of excitement. I was here but a short time when I was summoned away to this place in consequence of a disturbance here. The case is not yet decided, but 10 of the principal defendants on the side of the villagers are in custody, and I expect some 20 more to be brought in by the darogah to-day or to-morrow, and shall be able in a day or two to report the result. The strong feeling appears to have chiefly sprung up on account of the *kullye* on Mr. Stevenson's decreed land. The villagers are desirous of getting the *kullye*, while Mr. Stevenson refused to give it up unless they agreed to sow indigo; or cut the jungle on his khamarland, or otherwise work for the factory. The decision of this case will, I anticipate, quiet matters a good deal.

6. In conclusion, I would observe that, owing to the general state of the country, the work on my hands has been enormous. I do not hesitate to say from my own experience that the work that I have had to go through has been equal to at least four times as much as the work which the magistrate of Pubnah and his assistant had on their hands before the formation of this and the Koosteah sub-division. No doubt, one of the causes is the general cessation on the part of the planters (and to a great extent, I believe, on the part of the zemindars) of the power heretofore exercised by them of looking into and settling and deciding a great number of disputes and cases among their tenants.

From *F. Walker, Esq.*, Deputy Magistrate of Serajgunge, to the Officiating Magistrate of Pubna (No. 206, dated 25 December 1860).

Sir,

I BEG to forward the annexed diary of my proceedings in the Mofussil from 17th to 24th instant, both days inclusive.

In accordance with the request contained in your office memorandum, No. 850, of 8th instant, calling on me for a report on the subject of letter, No. 428, of 30th ultimo, from Officiating Secretary to the Government of Bengal to the Commissioner of Rajshahye, copy of which was forwarded by you, I have the honour to submit the following for your information.

I have lately been round this sub-division visiting all the thannahs in it, and have held personal communication with all classes of people, conversing with them upon the several topics of the day, and inquiring into their condition, and from what I have been able to ascertain, I am most happy to state that I believe the people generally to be prosperous and contented.

There are several powerful zemindars possessing large estates in this sub-division; such, for instance, are the Sandys, Baboo Debendro Nath Thakoor, Bannerjees, Mr. Barry, Bunwaree Lall Baboo and the Pukurassees. Baboo Debendro Nath Thakoor and Bannerjees do not reside in their respective estates, but manage them through agents.

Though some few cases have been at various times brought against the servants of these gentlemen, none of them have been of a serious nature, and I am happy to record that I am very much satisfied at the manner in which the business of these gentlemen are conducted. On more than one occasion myself and the police have received material assistance from them in the discharge of our duties.

I have no reason to be dissatisfied with the conduct of the police in this sub-division. They have as a body behaved very well, indeed, during the season of excitement caused by the rupture between the planter and ryot relative to the cultivation of the indigo plant.

The ryots now perfectly understand the exact relation they hold to the planter, and are aware that the system of compulsory cultivation is finally at an end.

At the commencement of the sowing season, however, though they understood this well, I found that they were inclined to assume the upper hand towards the planter, and, as you are informed, at Dewra, which adjoins the Pubna jurisdiction, a number of ryots made a riotous wanton attack on the boat of Mr. Phillips, manager, Dholowry concern, the property of Messrs. Watson & Co.

But in receiving intimation of this case, I immediately proceeded to the spot, and after making the necessary investigations, and taking the evidence in the case, I found 16 of the defendants concerned in the case guilty of the charge, and accordingly punished them.

The punishment awarded to the defendants in this case has had the most wholesome effect in the whole of this sub-division, which, together with the watchfulness of the police, has prevented any similar case occurring since.

This is the only instance in which a breach of the peace has taken place.

There have been several disputes about lands for sowing indigo in between the ryots on the one hand and the planter on the other; but immediately on its coming to my notice, I have tried the fact of actual possession to the lands under the provisions of Act IV., 1840, and the party proved to be in possession has been of course maintained in possession by me.

The gentleman who has been concerned in most of these disputes has been Mr. Patrick Arsah, of Mohurgunge concern, in the jurisdiction of Pubna, and who has some elaka in this sub-division.

Mr. Barry has only had one case of this description in my court, as also Mr. Burail, manager of the Sobunkally concern, in the jurisdiction of Mymensingh, whose elaka extends to this sub-division. Mr. Philippe, of Jamirtah concern, has not had a single case in my court during the sowing season, and deserves every credit for the able way in which he has carried on the management of his concern.

Diary of my Proceedings in the Mofussil from 17th to 24th December 1860.

ON the evening of 17th instant reached Shazadpore thannah, from Serajunge. Next morning visited the thannah; found Gobind Chunder Sandyal, darogah, absent; engaged investigating a case of dacoity in house of Sonatun Manjee, of Chapra village, a report of which dacoity has been already forwarded. The thannah buildings are undergoing repair; inspected the books of the thannah, and found them in pretty good order.

From this date to 24th instant held usual cutcherry, visited several places in the neighbourhood, conversed with the people on the topics of the day, &c.; was also visited by the agent for Baboo Debendro Nath Thakoor, the moonsiff of Shazadpore, and other highly respectable natives. The following is an abstract of the work performed:—

Decided two cases under Act IV., 1840; sentenced five prisoners in a case of cattle-stealing.

A prisoner in a case of burglary committed to the sessions,—a defendant in a case of perjury.

Discharged 70 witnesses.

Disposed of several cases of assault, and punished several chowkeedars for neglect of duty.

From *H. B. Simson, Esq.*, Magistrate of Dinagepore, to the Commissioner of the Rajshahye Division (No. 33 A., dated 5 January 1861).

Sir,

I HAVE the honour to submit my first special report on the state of feeling in my district.

2. My report under any circumstances must, I regret to say, have been a meagre one, as an accident has temporarily crippled me, so as to make it impossible for me to move about quickly or by myself; and recently I have been so much indisposed as to render my doing justice to any subject I might have to report upon a matter of difficulty.

3. I am happy, however, to be able to state that I believe there is no uneasy feeling of any sort in my district, the paucity of inhabitants being one reason for its general quietness. In the sub-division of Thakoorgown this disproportion of people to the extent of country is not observable, while the large number of cases (of the nature on which false charges are generally made) is to be remarked. Nothing, however, is reported to me by the deputy magistrate which appears to call for observation in the present report.

4. There is one point on which I myself believe there is uncertainty in every native's mind throughout the length and breadth of India, but I have as yet observed no symptoms of it here. In the other three districts I have been in it has at one time or another become apparent—I allude to the doubt of our intentions with regard to Christianity. The natives cannot or will not understand that our religion cannot be made compulsory. Nothing but the spread of education can make our religion understood, and, until it is understood, I believe that natives to any extent can be brought to believe that we are only waiting an opportunity to force our religion upon them.

5. My visits have been limited as yet to three thannahs to the south of the station, the preparations for troops, as well as special work on the Maldah road, and the accident mentioned above, having delayed me. These visits will form matter for further report; but, with regard to the special object of the report now called for, I have only the above general remarks to make.

6. I may further remark, that I have carefully avoided since I came here, ishtahars and general inquiries through the police, as I am aware that all ishtahars are misunderstood, and all inquiries at present tend to alarm, through the belief that they are preludes to some fresh impost.

Memorandum from *H. S. C. Tayler, Esq.*, Officiating Magistrate of Rajshahye, (No. 8, dated 9 January 1861).

FORWARDED to the Commissioner for his information.

From *C. T. Metcalfe, Esq.*, Officiating Joint Magistrate of Rajshahye, to the Officiating Magistrate of Rajshahye (dated 8 January 1861).

Sir,

I HAVE the honour to forward through you the report called for in the 4th paragraph of the letter, dated 3d November 1860, No. 6428, from the Secretary to the Government of Bengal, to the Commissioner of Rajshahye.

In accordance with instructions received from you, I left the Sudder station of Rajshahye on the 19th of October, and returned to the Sudder station on the 19th of December. I visited the various places noted in the margin on the several dates, and the whole of the time was occupied in settling the disputes between the Messrs. Watsons and the zemindars. This has naturally brought an increased amount of work on to the files, calling for increased application and energy. The report which I have to make, both for the information of the Commissioner and the Government, requires that I should state distinctly, and in as few words as possible, the state of the district, and, above all, the relations between planters and ryot.

1. Nundangatchee, 19th October.
2. Hapaniga, 22d October.
3. Rajahpore, 28th October.
4. Hapanija, 29th October.
5. Kurremdeshi, 1st November.
6. Kantlebarea, 21st November.
7. Nattore, 14th December.
8. Pooteah, 18th December.
9. Bajaliparah, 9th November.

Crime.—Crime has increased within the last few months, particularly dacoity. Numbers of up-countrymen attracted by rumours of disputes about land have come down into Bengal in the hope of finding pay and employment as lattials. The greater number, disappointed in this on their way into other districts, have attacked lonely houses.

Police.—The police has been in those thannahs in which the greater number of disputes have occurred, wholly insufficient for the work. There are on an average some six men only available in each thannah to meet any emergency, such as a riot, and frequently the thannahs are left with a guard only for two or three days at a time.

The darogahs have, with the exception of one who has been temporarily removed on account of his age and want of activity, behaved well. But there are one or two others also whose services if dispensed with would conduce to greater efficiency in their respective thannahs, and about whom a separate report will be submitted through you to the Commissioner. The village chowkeedars have upheld their traditional character, and been utterly useless for any police purposes. In no one single instance has a single chowkeedar given any information of a likely breach of the peace, &c., and further, being leagued with the villagers, and sympathising with them in their disputes, have frequently absented themselves from their villages during my progress through the district.

Zemindars.—I have come into contact with many; from one, Rajah Prossunnath Roy of Degaputteeah, I have received most valuable assistance. Differences with reference to indigo lands commenced with a relative of the rajah, who at my request arbitrated the matter between factory and the zemindar. This led to a settlement of the whole question.

Rajah Anundnath Roy of Nattore.
Dost Mahomed Chowdhurree.
Shebnath Tullapattra.
Eshan Narain Roy.

Rani Kishtomotee and many others, too numerous to mention, have had no difference whatever with the factories, although large tracts of indigo cultivation lie within their estates; and with the unhappy exception of the two Booteah zemindars, I could say that every zemindar apparently was on the side of good order and good feeling towards the European capitalists.

Indigo.—The cultivation of this plant has naturally given rise to a good deal of disputes. These disputes have arisen for the greater part from the uncertain legal title of the factories to the land where the plant has been cultivated; but instead of making a reference to the civil courts on these points, the zemindars have taken the law into their own hands, and as it were have resumed the factory lands.

The means by which this has been brought about is instructive. The zemindar sends for a number of ryots; he says, "There is a portion of land which has been sown in indigo, which the factory calls neej jot; will you take that land in pottah from me or not? if you don't, I will give these lands in lease to somebody else." The ryot receives the pottah, and after the cutting of the indigo crop has sowed down kalaie and other crops on the same land. The factory thus within the space of one week finds itself without a beegah of land. The argument in court had been this, the lands have been planted in indigo for years; it is true that the zemindar has croaked or attached the lands this year, and given them to whom he pleases. In many places the ryots have been willing to sow even their contract lands, and have appeared in court, and deposed that they were afraid so to do; their zemindar would root them out of house and home. Whatever may be the theoretical arguments of the differences between planter and ryot, I can without hesitation depose (speaking of this district of Rajshahye) that the zemindar alone has been the instigator of ill-feelings. Ryots deposed to me at Faridah (the same place where the factory was burnt down), "We are willing to sow our lands, but can the factory flourish on a few beegahs; besides, we are afraid." Let me state another fact, that in the greater number of cases under Act IV., no ryots have appeared to dispute the Watsons' claim. These same ryots when called upon, state, We had no claim to the land before such and such a month. It has been a paper war between Mooktears on one side, and the factory on the other; aggression and force entirely on the part of ryots. Delay and loss from the sowing season passing by on the other. The practice of placing every transaction in a magistrate's court on record stands the authorities in good stead, for in case after case, police report upon police report, I have in black and white that the ryot executes but his landlord's bidding, and while he suffers, the landlord himself stands above all blame. In a case of extensive riot within a few yards of a factory, when men swam a river with sticks in their hands to join the mob, it was proved in evidence that the day before instructions were received by the villagers from their zemindars to allow no indigo to be sown near their village. The sequel to this case will show the ground on which charges are made in our criminal courts. A man appeared and presented a petition to me; he stated that the petition had been given to him to present by certain persons unknown. The purport of the petition was to the effect that the village had been looted, the women dishonoured, the petition states, by the joint magistrate and Captain Davies. The character of the authorities has been aspersed in the most open manner; various malicious complaints have been presented against them by the duly authorised mooktears of the poteah zemindars.

It appears that on the night of the 18th of Ogrohon, some 200 to 300 people assembled in

Evidence of
Haradhon Pro-
manick, gomashtah
of Baboo Jogender
Narain Rai, in the
Act IV. case of
lands in Barrajara.

Bagaliparah,
Messrs. Watsons'
concern.

Incendiarism of
Peergunge factory.

in the house of one Joreep Sircar: various plans were proposed by one Haradhon Roy, a gomastah of Baboo Jogender Narain; at last it was proposed to burn down the bungalow attached to the factory. Four men, it is stated by name,* went to the place and set fire to the same. Shortly after the occurrence and offer off a large reward, one Nazir Chowkeedar of the village of Mohunpore, went to Mr. Bell, of the Bagateeparra Factory, and stated to him the particulars; he said that he had seen the fire applied with his own eyes. That after making this statement, he was seized by the zemindar's people (Jogender Narain), and threatened and confined. The chowkeedar escaped, and went to the Naib darogah, and stated to him, on oath, the above details; upon the authority of this man's deposition certain persons were apprehended. After this the chowkeedar disappeared, and then gave a petition to the Commissioner, that a number of persons had been apprehended on no grounds whatever. On being examined, he denied even giving the deposition recorded. The chowkeedar on his trial for perjury, stated that the four persons named set fire to the bungalow there is every reason for believing, but there appears no probability of sufficient evidence for conviction being obtained.

- * 1. Tarip Sheik.
- 2. Doorab Chowkeedar.
- 3. Beedoo Mundul.
- 4. Shonaton.

This species of crime has been happily avoided, and the preservation of the peace of this district has been happily preserved, while not a single case of affray has happened.

Lastly, I have the honour to state that, with the exception of a few cases under this Act, all the disputed lands have been decreed either to the planter or the ryot.

Affray about lands.
State of the files with reference to Act IV. cases.

From *H. M. Reid, Esq.*, Commissioner of the Rajshahye Division, to the Secretary to the Government of Bengal (No. 104 Ct., dated 5 February 1861).

Sir,

In continuation of my letter, No. 64 Ct., dated the 24th ultimo, forwarding reports of tours of several of the district officers up to the end of December last, I have now the honour to submit in original a report, No. 2, of the 23d ultimo, from the officiating magistrate of Rajshahye, giving an account of the tour made by him in the month of December.

2. Mr. Tayler's tour extended from the 3d to the 18th December, and he visited during it the whole of that portion of the district in which there have been any recent indigo disputes. He considers the disinclination of the ryots to perform their indigo contracts, and to sow indigo, to be attributable in a great measure to the evil and self-interested advice given to them by other parties, who, from motives of their own, are at present opposed to the Messrs. Watson, who hold all the indigo concerns in that portion of the district. Mr. Tayler also remarks that there were many ryots who did not appear to have entered into contracts, and, as they expressed a determination not to sow indigo, and were evidently averse to having anything to do with it, he refrained from interfering at all in their cases.

3. Mr. Tayler's report is concise and well drawn up, and he appears to me to have duly borne in mind, and to have carried out, as far as practicable, the objects proper to be had in view when effecting it, and to have taken suitable opportunities of explaining to the parties interested, the Government proclamation on the subject of the indigo disputes.

From *S. H. C. Tayler, Esq.*, Officiating Magistrate of Rajshahye, to the Commissioner of the Rajshahye Division (No. 20, dated 23 January 1861).

Sir,

I HAVE the honour to submit the following report, made from notes of my diary, taken during my Mofussil tour:—

I left Bauleah on the evening of the 3d for Surdah; on the morning of 4th I proceeded to Nundungatchee, where I tried some cases under Act X. of 1859, transacted some Fouzdarree work, and heard a few petitions. No petitions on the part of either the planters or ryots were, however, preferred. Nundungatchee itself appeared tranquil, and only one Act IV. case in connexion with indigo lands was then pending. Nundungatchee is 16 miles from the Sudder Station. I arrived on the 5th at Merkotee, one mile beyond Alaiepore, and some 12 miles from Nundungatchee. The place to all appearances seemed quiet. No petitions were preferred by any parties. The agents of the zemindars, Pareshnarain and Jogen-dronarain Roy, failed to supply any rissud for the sowars, though orders had been previously issued to them. I interrogated some of the men of the village as to the cause, and they told me that the naib, on the part of the above zemindars, had run away the day before my arrival.

arrival. The Karpurdaz, on the part of Messrs. Watson & Co., was in attendance, and supplied enough provisions for the sowars. While here I heard some cases under Act X. of 1859, and did other miscellaneous work. I also inspected the roads. On the 6th December I proceeded to Beyngarie, two miles beyond Rajahpore, and six miles from Merkotee. Russud was in readiness. Some criminal cases connected with Belmaria Thannah were disposed of. Friday, the 7th, I decided some Act X. of 1859, and a few criminal cases; heard some petitions in reference to indigo matters presented by ryots, and passed the necessary orders. Before leaving I took Mr. Logan's depositions regarding his being waylaid and threatened, and his garrises being stopped while *en route* from Galimpore. Sunday, 9th, I arrived at Belmaria, six miles from Beyngarie. It being Sunday, no work was done beyond investigating a case where a man who was stated to have owed some rent and been forcibly taken away from his house. Monday, 10th, I took a ride to Russoolpore, there tested some measurements, and decided a settlement case. I held cutcherry during the day, both collectorate and fouzdarree. In the evening a number of ryots from several villages came with petitions to me, intimating the fact of their having come to an amicable settlement with the indigo planters, and claiming protection from the court in the event of others, who were still adverse to the system, interfering with and molesting them. This occasion seemed a fit one for reading out and explaining to those present the late proclamation issued by the Government, and also warning those who in any way interfered unlawfully with the petitioners. I accordingly did so. Several proclamations were also distributed to those who asked for them. I left for Lallpore in the evening. On Tuesday, 11th, I heard a petition and deposition of a tagadgir on part of Watson & Co. to the effect that the villagers on Morcha Diara had concealed in their houses surkies and other weapons. The information given being rather vague, I did not see fit to change the order of my marching, but deputed the deputy magistrate to take a local investigation, which eventually proved unsatisfactory. Wednesday, the 12th, I started for and reached Galimpore, having inspected, *en route*, the place where Mr. Logan stated he had been detained and threatened by some of the Pooteah Baboo's retainers. I remained here one day, and decided a case preferred against Mr. Metcalfe and Captain Davies. In the afternoon I went over to Bhagatipira, saw the spot where the affray took place, and disposed of another case, that had been brought against Mr. Metcalfe and Captain Davies in connexion with some indigo planters. In the evening I proceeded to Peergunge, and inspected the place where a factory house had been burnt down. The building appeared a small one, and must have been some 100 yards or so from the factory itself; no clue had been gained up to that time of the perpetrators of the arson. Thursday, 12th, I proceeded to Nattore; though this place was in no way mixed up with the indigo disturbances, still I considered it right to visit the city, there being then no one in separate charge, and I being then anxious to be present at the distribution of prizes to the schoolboys that was to take place then. I inspected all the public buildings, and subsequently encamped at Dighapoteah, near the English school of Rajah Prosononath Roy. I remained two days at this place, during which time some Act X. cases and other collectorate and magisterial work was gone through. On the second day I presided at the distribution of the prizes to the boys of the school, and also examined a few of them; afterwards, and previous to breaking up of the meeting, I took the opportunity (which appeared to me a good one) of explaining the purport of the late Government notification, and expressing my pleasure at being able to mention the names of so many natives of influence and rank as having been in no way connected, either directly or indirectly, with the present indigo disturbances. I trust that this was attended with good results. I should not omit to mention that the measures taken by the rajah to supply russud for the few troops that accompanied us were admirable; provisions enough for an army almost were in readiness, and nothing was omitted to make things comfortable. Comparing this state of things to what I had previously experienced, it was but too apparent that the will was alone wanting to have insured similar results everywhere. On Saturday, the 16th, I proceeded to Katalburrea, and thence to Pooteah, where I remained till Monday evening. Before I left, one of the retainers of the Pooteah zemindars began speaking to me about effecting a settlement with the planters, and asked me to assist. I declined, giving my reason that I had already done my best in the matter, and that, until something definite was drawn up, and a real wish to come to some final adjustment was evinced, I would have nothing to say to it. I have not heard a word since, and am constrained to believe that nothing was ever meant. On Monday evening I proceeded to Banishea, where I remained that night, and on Tuesday, the 18th, I came back to Bauleah. During the time I was on tour I did not receive a single petition from any ryots against any indigo planter, nor were any new cases instituted before me. My chief object in making these flying visits was to inspect all the disturbed parts before Christmas, and inquire personally into the state of my district. Whenever the opportunity presented itself, I spoke with the ryots, and tried to explain to them the folly of contending with the authorities as some were doing, and reverting to illegal measures to the attainment of some imaginary object, of which, I verily believe, many had no definite idea. Several did express their determination not to sow indigo, and on this point I refrained from any interference when I ascertained that they had no contracts; but where they had, I impressed on them the necessity of their fulfilling the conditions thereof, and the trouble they might come to by refusing to do so. I doubt that I made much impression, for most seemed determined, under any circumstances, no matter what the concession were, to give up all connexion with indigo. That such a determined spirit should exist and continue for so long amongst an illiterate class of persons, is mainly attributable, in my opinion, to the influence of other and more powerful agencies, and I fear that I have too much reason for imputing that agency to the Pooteah zemindars and their retainers.

From

From all I can gather, it would appear that this district is in this respect peculiar from others. It has been already shown that some foul play is going on at Pooteah; there seems to have been a kind of nucleus formed there, from which emanates all that tends to keep up the amicable feeling between planter and ryot, and it is a pity that sufficient proof to warrant the conviction and punishment of some instigator has not been forthcoming, as an example or so of this sort would have done more to quiet the district than any amount of punishment of the peasantry, who one feels are, after all, the tools of others.

From *H. Bell, Esq.*, Under Secretary to the Government of Bengal, to *L. R. Tottenham, Esq.*, Magistrate of Furreedpore, (No. 421 A.), dated the 22d February 1861.

Sir,

WITH reference to an attack on the gomashtha of Baleakandy Factory, which has been brought to the notice of the Lieutenant Governor, I am directed to authorise you to offer a reward of 250 rupees to any one who will give evidence that will lead to the discovery and apprehension of the perpetrators of the outrage.

From *L. R. Tottenham, Esq.*, Magistrate of Furreedpore, to the Under Secretary to the Government of Bengal, (No. 55.), dated the 28th February 1861.

Sir,

WITH reference to your letter, No. 421 A., dated the 22d instant, authorising me to offer a reward of 250 rupees for evidence in the case of the attack upon the gomastah of Sudderdee Factory, in the Baleakandee concern, I have the honour to report that one of the ringleaders in the outrage was convicted by me, and sentenced to six months' imprisonment with labour, commutable to fine on the 23d instant. There is, I should say, no probability of trustworthy evidence in the case further than has been already procured, being now elicited even by the offer of a reward.

2. It may be as well that I should mention, for the information of his Honor the Lieutenant Governor, the particulars of the case:—

On the day preceding the Sree Punchomee Poojah, the gomastah of the Sudderdee Factory having, according to known annual custom, obtained leave of absence, was proceeding, by his employer's direction, to Baleakandee Factory, on his way to his home. He was himself on horseback, but was accompanied by some six or seven persons on foot, two of whom, Mussulman peons, were keeping up with the horse, while the rest were somewhat in the rear. They had proceeded about four miles, and were going through a village called Saugoorah, the road being a winding one, with cane jungle at the sides, when suddenly they were confronted by a number of men who had been lying in wait for the gomastah. One of them struck the horse's head with a lattee, on which the gomastah turned him round, and fled back a hundred yards or so to the house of an acquaintance, where it is said that some marriage festivities were going on at the time. He took refuge in one of the houses of the barru, but was followed by his assailants, dragged out, and thereupon maltreated most shamefully. He was beaten, dragged along the ground, pierced with a spear through the nose and one ear, and finally left at the edge of a bheel about a mile from the place in which he was attacked. He made his way back to the village, and there met two persons of Sudderdee, with whom he was acquainted. They carried him on to the factory of Mutlakhallee, and from thence he was conveyed to Baleakandee in a palkee sent for him by Mr. Tissendie. Those who had accompanied him were not assaulted, but ran away in a fright, when they saw the attack. In the course of the day a petition was presented in the magistrate's court at Furreedpore relating the circumstance, and information was given at the Belgatchee thannah. The deputy magistrate, in charge of my office at the station, deputed another deputy magistrate to proceed to the spot to investigate the case. That officer was at Sudderdee the same night, and took the depositions of several persons, including one of those who had accompanied the gomastah in the morning, and who professed to have identified some 20 of the

assailants. The same night the naib darogah, of Belgatchee having heard that the gomastah had been taken to Baleakandee, had proceeded thither and taken his deposition. The next morning the deputy magistrate went to the village where the outrage was committed, but could get no evidence there. The villagers obstinately denied all knowledge of the fact. In the meantime the occurrence had been reported to me, who was in another quarter of the district. I came as soon as I could to Sudderdee, and proceeded with the investigation. I obtained the additional evidence of the rest of the persons who had accompanied the gomastah, and of the two men who had carried him, after the attack, to Mut-lakhalee Factory. Though I also went to the scene of the occurrence, the villagers still denied all knowledge of the facts. This being the case, I hardly think that the offer of a reward now would elicit trustworthy evidence. Though the evidence procured is not altogether the most satisfactory, and though serious discrepancies are apparent, still I think that the deposition of the gomastah himself is entitled to full credit. It is only required as to the perpetrators of the outrage. His body itself is sufficient testimony of its actual perpetration. He only professes to have recognized five of his assailants, whereas, if he were not telling the truth, he would probably have named about 50 of them. These he named the very night of the occurrence before he could have had any communication with the others, who, on the same night, named the same five amongst others, whom they said they recognized. It is not likely that the gomastah could have mistaken these five, as they were all ryots belonging to Sudderdee, and it would be very strange if he could not recognise some of them. Independently, then, of the other evidence, I rely upon that of the gomastah, and have already arrested and sentenced one of the five named by him, he having also been named by the other witnesses, satisfactory or not, as their general statements may be.

3. I regret that I cannot punish the villagers of Sangoorah, who, though they must have been fully aware of the circumstances of the case, refused to give any information. None of the assailants were said to belong to that village, so that they could not have been in danger of criminating themselves by their evidence. The combination against factory people is so complete in that quarter, that, if the gomastah had been murdered instead of beaten, it is most probable that the culprits must have escaped for want of evidence.

(No. 517 A.)

From *W. S. Seton-Karr*, Esq., Secretary to the Government of Bengal, to the Magistrate of Furreedpore.

Sir,

Fort William, 7 March 1861.

Judicial.

I AM directed to acknowledge the receipt of your letter, No. 55, dated the 28th ultimo, regarding the brutal attack which was committed upon the gomastah of the Sudderdee Factory, and in reply to observe that, in the orders of the 22d idem, No. 421 A, it was not intended to restrict the signification of the word "evidence" to judicial evidence only. Any information leading to the discovery and apprehension of the offenders was what was meant, and that word should properly have been used.

2. The Lieutenant Governor is of opinion still that it will be proper to offer the reward, authorised in the orders quoted above, for such information as will lead to the apprehension and conviction of such of the perpetrators of this great outrage as have not yet been discovered.

3. The Lieutenant Governor is glad to find that the guilt of one man has been proved, and this of course has been followed by punishment, though the nature of the sentence judicially pronounced, hardly seems to correspond with the description of the crime given in your letter, which appears to be that of a felonious assault of an aggravated character. But the Lieutenant Governor trusts that the penalty has not been disproportionate to the actual character of this premeditated and planned crime, whatever that character was. It is satisfactory to perceive, from the account given in your letter, that evidence is not
wanting

wanting against some others, whose apprehension and condign punishment will not, the Lieutenant Governor trusts, be long delayed.

4. The conduct of the villagers of Sangoorah appears to have been very bad, leading to a strong suspicion of their having been accomplices either before or after the fact. If such a course is justifiable by law, under the circumstances, and with the information before the police, a searching investigation into the complicity of some of the people of that village seems to the Lieutenant Governor to be very desirable. Their certainly false denial of all knowledge of the ambushade, and of its consequences, deprives them of all right to complain of any inconveniences to which, in consequence of the suspicion attaching to them, they may be subjected in due course of law.

I have, &c.
(signed) *W. S. Seton-Karr*,
Secretary to the Government of Bengal.

From *C. T. Davidson*, Esq., Commissioner of the Dacca Division, to the Secretary to the Government of Bengal (No. 11 B.), dated 12 February 1861.

Sir,

In continuation of paragraph 1 of my demi-official letter of the 26th December last, I have the honour to submit copy of a report from the magistrate of Furreedpoor, on the subject of indigo cultivation and the collection of rents in that district.

2. Since the receipt of Mr. Tottenham's report, I have visited Furreedpoor, and while at that station I made inquiry in respect of the cultivation of indigo and collection of rents in the factories situate to the north of the district. There are eleven factories, three of which belong to Mr. Ramey, and the remaining eight are out factories of the Balliakandee concern. The extent of cultivation in Mr. Ramey's factories is about 3,000 beegahs, for which advances have been made, and, with the exception of a small portion of land held from the zemindars of Tuppeh Umberpoor, who, it was alleged, are instigating the ryots not to sow, no difficulty exists. Mr. Ramey has no suits pending under Act X. of 1859, and has experienced no trouble in collecting his rents.

3. In the eight factories belonging to the Balliakandee concern affairs wear a less favourable aspect. I saw Mr. Tessendie, the manager on the part of Messrs. Jardine, Skinner & Co., and I learned that no advances for the cultivation of indigo had been made this year. He informed me that he had been making concessions to the ryots, and that many had agreed to cultivate indigo, but that they were prevented by others from doing so.

4. The Balliakandee concern has an extensive rent roll, and the state of the collections is not satisfactory. Mr. Tessendie informed me that not above half the rents for the current year had been collected up to the present time; that between October and January of last year, 26,000 rupees had been realised, while during the corresponding period of the current year only 14,000 rupees had been recovered. No suits for rent had been instituted under Act X. before the collector, but Mr. Tessendie stated that he intended to proceed against the defaulters, immediately the deputy collectors who had been deputed to Balliakandee and Modookhalee arrived.

5. On the 10th I proceeded to the south of the district, Mr. Magistrate Tottenham accompanying me, and reached the Cossimpoor Factory on the following day. Mr. Smith, who manages the concern, represented to me that the advances for the present season's cultivation of indigo had been made as usual in August and September last, and that the ryots generally were now unwilling to cultivate. Mr. Godfrey, the deputy magistrate stationed at Madareepoor, in which subdivision a number of Mr. Smith's factories lie, was encamped at Cossimpoor, and I learned from that officer, who had visited most of the indigo villages, that although some ryots had expressed a willingness to sow, still there were a large number who were determined to have nothing to do with indigo cultivation.

6. In order to satisfy myself on the above point, and to hear what the ryots had to say, I requested Mr. Godfrey to assemble those who resided in the neighbourhood at his tent where he held cutcherry, and I found, as represented by him, that though a few declared their willingness to sow, the majority manifested a strong determination not to do so. In progress to this station I visited Patabookah and Mustafahpoor, out factories of the Cossimpoor concern, where the same state of feeling was apparent, some being willing to cultivate and others reluctant.

7. As regards rents, Mr. Smith has experienced no trouble. He informed me that the rental of the estates he holds exceeds 80,000 rupees, and that, except with respect to a few hundred rupees in the village of Mustafahpoor, where the rates are disputed, he has had no difficulty.

8. The Cossimpoor concern is, I believe, one of few in which advances for the cultivation of indigo have been made this year. Whether the contracts which Mr. Smith states have been entered into, will be fulfilled, or whether the season will be lost, are questions which will be decided in a few days, *i. e.*, so soon as rain falls. Cossimpoor itself, and all the out factories within the Madareepoor subdivision, lie within thannahs Sheebchur and Rajore; and as Mr. Deputy Magistrate Godfrey seems fully to appreciate the position in which affairs stand, and to understand what, under the instructions conveyed in your letter of the 7th December last, his duty is, I have ordered him to remain within those two thannahs, moving about from place to place for the next two months, and I have directed the magistrate of Backergunge to assume charge, for the present, of the southern thannahs of the subdivision in which there is no indigo cultivation, and which are nearest to the Sudder station.

9. This arrangement will, in my opinion, prove in every way beneficial, and I trust it will meet with his Honor's approval.

From *L. R. Tottenham*, Esq., Magistrate of Furreedpore, to the Commissioner of the Dacca Division (No. 8.), dated 15 January 1861.

Sir,

IN reply to your demi-official letter of the 24th ultimo, forwarding a copy of a similar communication from Government, I have the honour to report, that up to this time there have been 10 cases in my court under Act IV. of 1840, in which indigo planters have been concerned, of which six have already been disposed of. With a view to ascertain whether any contract cases had been brought by planters in the civil courts, I addressed a *robo-karee* to the three moonsiffs of this district. The replies of two report that no such cases have as yet been instituted. As yet no answer has been received from the moonsiff of Bhangah. I would observe, however, that it is not likely that contract cases regarding the present season would be brought as yet, as until the expiry of the season the cause of action would not arise.

2. I believe there is only one concern in this district where advances were taken this year by the ryots, or engagements to cultivate indigo entered into. I allude to that of Cossimpoor. The manager, Mr. Smith, is at present absent in Calcutta; but, when he returns, I will ascertain from him what course he intends to pursue in the event of the ryots still persisting in refusing to sow, and report to you hereafter.

3. As regards rent cases under Act X., there has only been one suit as yet instituted. The Balliakandee concern represents a large zemindaree in this and the Pubnah districts. and within the last few days its manager has instituted proceedings for a measurement of the lands, with a view to an increase in the demand for rent. It is therefore probable that in that one quarter there may be a number of suits.

4. With reference to paragraph 11 of the Government Orders, I have to report that no new rumours have been brought to my notice as being in circulation amongst the ryots. I believe there still exists to a considerable extent the belief that the cultivation of indigo is prohibited by Government. This belief I shall endeavour, as far as lies in me, to overcome.

Demi Official, from Mr. *L. R. Tottenham*, to the Secretary to the Government of Bengal, Furreedpore, 25th February 1861.

It is time that I should reply to your demi-official letter of the 4th of January, on the subject of Mr. Smith and his indigo contracts. I was directed to go to the neighbourhood of Mr. Smith's factories, and explain their position to the ryots;

ryots; on my being satisfied that they had actually and voluntarily taken advances for the present season. Mr. Smith wrote to me about the same time from Calcutta, telling me he expected to be back at Cossimpore some day after the 20th of the month. As it was desirable that what I could do should be done in his presence, I postponed, till his arrival, my visit to Cossimpore. Having collectorate business in the same direction, I then went about that; I however rode over one day from my tents to a branch factory of Mr. Smith's, Lochungunge, under his assistant, Mr. Durand; I spent the day there, examined the factory books, and sent for some of the ryots whose names were shown in them for this year; only a few came, but these, on the production of the books, admitted their engagements, and professed themselves, individually, willing to fulfil them, but intending to do what everybody else did. I pointed out their position to them, and they promised to sow when the rain falls, but I cannot say they seemed to do so cheerfully, and I very much doubt that they meant it.

I was recalled to the station by the Commissioner's arrival on circuit, and I was there with him a week; at length, on the 5th of this month, both he and I started for Cossimpore; we remained there a couple of days, Mr. Godfrey, Deputy Magistrate of Madareepore, being there at the same time. The latter had been for a fortnight or so in those parts, and doing all that could be done by argument and advice towards bringing about an amicable settlement between planter and ryot. Davidson and I tried our hands at it, but I fear it was a dead failure; the only good we could feel certain of having done, being the demonstration that Government does not wish to put a stop to indigo, and has no idea of countenancing breach of lawful contracts. Davidson has probably reported the result of his attempt at the part of a friendly adviser. The ryots do not want friendly advice; all they do care about hearing from an official is that they need not sow indigo. You cannot argue with them about contracts, because they will not listen to you; they admit nothing, and deny everything. Now, though I was morally certain that most of them had contracted, and received advances, their point blank denial of any such transaction cut away all ground of argument. I could only tell them, and this I did, that of course they knew best themselves whether or not they were under engagements; but if they were, they had best fulfil them, for as sure as they did not, they would be sued and cast in the civil court; and I explained to them that there would be no lack of courts established, if necessary, so that none could calculate on escaping. This I told them in public and private, in cutcherry and in the fields, wherever I met and spoke to a ryot. They never seemed to understand that I could give no order on the subject; they always asked me "Ki hookum?" After accompanying the Commissioner to Madareepore, calling at two others of Mr. Smith's factories on the way, I returned to Cossimpore, and set out with Mr. Smith for the other portions of his concern, intending to visit each factory; at Bhangha, however, where I was encamped for three days, the ryots commenced pouring in with petitions, to the effect that they understood Mr. Smith had been getting up all kinds of forged documents to persuade me and the Commissioner that they were under contract; that it was false, &c.

My presence only seemed to suggest to the ryots, that they had best petition against indigo, and they did it. Mr. Smith agreed with me, that I could do no good, rather the contrary; and I am convinced that if anything is to be done towards an amicable arrangement by persuasion or argument, it must be by Mr. Smith himself; he is personally not unpopular, and if he could win over a single village, others would follow. Besides feeling sure that I was doing no good where I was, I was anxious to get back to the Sudderdee quarter, in consequence of accounts I received. It seems the people about there are determined to be troublesome. It was there, you may remember, that a factory servant's house was plundered by ryots about three months ago. I gave six months' imprisonment, with fine, &c., for that, which sentence was confirmed in appeal: after that, they kept quiet till the other day, when the gomashtah of the same factory was waylaid, and brutally maltreated as he was going to the head factory of Baliakandee; he was at first supposed to be murdered; his body is still a mass of bruises and abrasions, from having been beaten and dragged along the ground; his nose and one of his ears were pierced with a spear. The state of combination amongst the ryots is such, that no independent evidence is to be had in the case, only that of the gomashtah himself, and those who were with him. Under the circumstances, however, I consider the gomashta's own evidence entitled to

full credence, especially as he only professes to have indentified five among his assailants: one of these, a ringleader, who had also been concerned in the plunder case before mentioned, and had evaded arrest, I captured myself the other morning before day-light, in his own house, and tried and sentenced him the same day. I hope he will not get off on appeal, for he is a great scoundrel. Mr. Tissendie says, the ryots are worse now than they were three months ago. I intend being out amongst them for some time longer, and hope to keep down all violent demonstrations in future. Wherever opportunity offers, I will lecture the ryots and jotedars about paying their rents: as far as I can make out from Mr. Tissendie, there has been no point blank refusal to pay, simply passive neglect to do so. This, I trust, will be soon set to rights by Hurree Churn Ghose and Act X.

Before I close this long letter, I must say how we are getting on about income tax.

I have just received an abstract of assessments from one assessor, and am promised by the other two by the end of this month; so we may actually expect some collections during March. The great difficulty is, that all the rich apply for extension of time, to enable them to fill up their returns, and almost all the middling class make returns of 198 rupees per annum, or thereabouts, under 200 rupees.

From *H. M. Reid*, Esq., Commissioner of the Rajshahye Division, to the Secretary to the Government of Bengal (No. 137 Ct.), dated 20 February 1861.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 6540, dated the 7th December last, relative to outrages stated by Mr. Kenny, of Salgamadea, to have been committed on persons connected with his factory, and on the family of one of his ryots; and with reference thereto, I beg to annex extract, paragraphs 1 to 6, of a letter addressed by the deputy magistrate of Kooshtea to the magistrate of Pubna, No. 19, dated the 12th November, giving the particulars of the cases.

2. The first case alluded to by Mr. Kenny is that referred to in the deputy magistrate's 6th paragraph. It occurred on the 18th October, and the deputy magistrate appears to have proceeded promptly to the spot, and to have satisfied himself that the complaint was true. The case was then left to the management of the thannah police, who left the village, taking with them three defendants, whom they would seem to have arrested, though they failed to report the fact until the deputy magistrate had sent out his nazeer, and had secured the arrest of the remaining defendants. The whole of the defendants (eleven in number) were shortly afterwards, about the middle of December, as appears from another communication from the deputy magistrate, convicted and sentenced to imprisonment, but the magistrate has omitted to report for what several terms. He has been requested to supply the omission. The jemadar, it will be seen, has been suspended for three months.

3. The other case brought to notice by Mr. Kenny is that referred to in the 1st to 5th paragraphs of the deputy magistrate's letter. It occurred on the night of 4th November, and Mr. Stewart appears to have used prompt measures for inquiring into it, and bringing the offending parties to justice; and it will be seen that the measures taken by him for recovering the persons who had been kidnapped were attended with instant success. The guilty parties were also speedily arrested, with the exception of one of the leaders named Ramruttun Tewaree, for whose arrest a reward of 200 rupees has been offered, and two of the minor offenders, for whose arrest 50 rupees each has been sanctioned, and I find, in a letter from the magistrate to the deputy magistrate, dated the 13th November, instructions were given by the former to the latter officer, "that the most decided and energetic measures should be taken to recover the women, and punish the guilty parties." All the parties arrested in this case were convicted and imprisoned by the deputy magistrate on the 14th December, nine of them being sentenced to six months' imprisonment, and a fine of 100 rupees each, or six months additional, and one, who did not take part in the attack, but merely assisted

assisted in confining one of the kidnapped women, to three months' imprisonment.

4. I am of opinion that Mr. Stewart's proceedings in these cases have been well conducted. He has brought to my notice, through the magistrate, the great difficulty which was met by him about that period in the prompt disposal of cases, owing to obstacles which were thrown in the way of witnesses attending and recording their depositions, and he appears to have met some difficulty of the kind in dealing with the particular cases under report.

5. A copy of the Government letter under reply was duly forwarded to the magistrate of Rajshahye and Moorshedabad for their information and guidance.

EXTRACT, paragraphs 1 to 6, of a letter addressed by the Deputy Magistrate of Kooshtea, to the Magistrate of Pubnah (No. 19.), dated 12 November 1860.

Para. 1.—I HAVE the honour to inform you, that on the night of the 4th instant, a complaint was lodged at the thannah by a man named Juroollah, to the effect that because he had complained against one Ruttun Tewaree, and others, for inflicting a fine of 25 rupees on him, his house had been plundered, and his wife and mother-in-law and a little child taken away and beaten.

2. The jemadar of the thannah immediately went to the village, and on my receiving notice of the affair, on the night of the 6th, I at once proceeded to the spot on the morning of the 7th, taking 30 sepoys with me.

3. On my reaching the spot, I found that the jemadar had discontinued making any further inquiries, on account of the prosecutor having withdrawn his claim; but when I questioned him myself, he at once stated that he had withdrawn his claim, because the jemadar was about to leave the village, which would have left him entirely at the mercy of his enemies.

4. On his expressing his desire to prosecute the case, I took his deposition, and a search having been made for the missing women, they have been found. The prosecutor's son also, who was kept in confinement by the villagers, was released by them on his promising to have the case hushed up. His deposition has also been taken.

5. I am happy to be able to state that four of the defendants in this case have been arrested, but the principal man, Ramruttun Tewaree, and who, from all the inquiries I have made, I consider to be without doubt the ringleader of the combination in this part of my division, has not yet been apprehended. I will offer a reward of 50 rupees for him, as requested by you.

6. In the case of the attack on Mr. Kenny's witnesses in the village of Gorie Topor, reported by me a short time ago, all the defendants have been arrested. Owing to the delay that took place in this case, I sent out my nazir to the village on the 8th instant, who immediately arrested the defendants, and brought them in the next day. My perwannah to the darogah was issued on the 31st, and he had sent out the thanna jemadar to carry it into execution. On the 9th I received a report from the jemadar, stating that he had arrested three of the defendants, and was diligently searching for the rest. But the fact of the matter was that he had left the village with three of the defendants, and had wilfully failed to catch the rest, although from the fact of their having been found by their nazir almost immediately after, it is very evident that they were in the village at the time. I have therefore suspended the jemadar for three months.

(No. 477 A.)

Copy forwarded to Mr. Kenny, the proprietor of Salgurmadia Factory, with reference to his letter dated the 7th December last.

By order of the Lieutenant Governor of Bengal,

(signed) *H. Bell,*

Under Secretary to the Government of Bengal.

Fort William, 28 February 1861.

(No. 25 of 1861.)

Home Department.—Judicial.

To the Right Honourable Sir *Charles Wood*, Bart., G.C.B., Secretary of State
for India.

Sir,

WE have the honour to transmit, for your information, copy of a letter which we have addressed to the Government of Bengal, in consequence of the statements made by a Deputation of members of the Indigo Planters' Association, which was received by his Excellency the Governor General on the 4th instant, regarding the difficulty they experienced in effecting the realization of their rents. We submit also a précis of what passed on the occasion.

Fort William,
18 March 1861.

We have, &c.
(signed) *Canning.*
Hugh Rose.
H. B. E. Frere.
Cecil Beadon.
R. Napier.
S. Laing.

From *W. Grey*, Esq., Secretary to the Government of India, to *W. S. Seton-Karr*, Esq., Secretary to the Government of Bengal, (No. 468.), dated 11 March 1861.

I AM directed to forward the accompanying précis of what passed at the interview given by his Excellency the Governor General, on Monday last, to the deputation for the Indigo Planters' Association, and to request that the Honourable the Lieutenant Governor will be good enough to communicate to the Governor General in Council any observations which he may have to make upon it.

PRÉCIS of Proceedings at reception of Deputation from Indigo Planters' Association.

ON Monday, the 4th instant, at 4. 30. p. m., the Governor General received a deputation from the Indigo Planters' Association.

There were present with his Excellency, Sir Bartle Frere, Mr. Beadon, and Mr. Laing, members of the Governor General's Council, and the Secretary to Government in the Home Department.

The Honourable the Lieutenant Governor of Bengal, accompanied by Mr. E. H. Lushington, the Commissioner of the Nuddea division, and by the magistrates of the three districts of Nuddea,* Jessore,† and Pubna,‡ was also present at the request of the Governor General.

* Mr. Herschel.

† Mr. Wigram.

‡ Mr. Bainbridge.

The following gentlemen attended on behalf of the Association :—

Mr. George Brown, of the firm of Jardine, Skinner & Co.

Mr. A. Walker, of the firm of Gisborne & Co.

Mr. T. M. Robinson, of the firm of Thomas & Co.

Mr. Moran, of the firm of Moran & Co.

Mr. Scott.

Mr. Prestwich.

Mr. Larmour.

Mr. Mackenzie.

Mr. J. P. Wise, and

Mr. W. F. Fergusson, the secretary of the Association.

The Governor General having requested Mr. Robinson to state the objects of the

the deputation, that gentleman referred to Mr. Fergusson, the secretary of the association.

Mr. Fergusson thereupon read the following minute, as setting forth briefly the points which the deputation were desirous to urge upon the Government, and the measures to which they urged the Government to accede:—

“The deputation from the Indigo Planters’ Association who have sought this interview with your Lordship, do not do so with any request that Government should assist them as indigo planters, or interfere in any way between them and the ryots as to indigo planting.

“That, they fear, has now, in most concerns in Lower Bengal, reached a stage beyond any help that the Government would give; but another and more serious question has arisen, in the destruction of their property, consequent on the refusal to pay rents, and the danger to life from the combination of the hundreds of thousands of natives against the few and scattered Europeans; and from the systematic and increasing hostility to which the few people and servants who have adhered to Europeans are exposed.

“It is here necessary for us to assert, in the broadest and most emphatic manner, that the published statements of Mr. E. Lushington, the Commissioner of the districts of Kishnaghur and Jessore, are incorrect.

“He is either ignorant of the actual state of the facts when he says, that the ryots are everywhere willing to pay their rents, except where they are afraid of being coerced into undertaking indigo cultivation, or he has misrepresented the matter. We are willing to believe the former to be the case, and that he has been misled by the representations of Mr. Herschel, the collector and magistrate of Kishnaghur, and of parties interested in deceiving him.

“We assert, and are prepared to prove, that the refusal to pay rents to Europeans in Kishnaghur and Jessore is nearly universal, and quite independent of indigo. We believe that this and the persecution of the people attached to the factories is for the purpose of driving Europeans out of the Mofussil; and we have further to express our belief that, unless this combination is put down, our opponents will succeed in doing so.

“With a community banded against us, incited and encouraged by plunder (and seizing and holding land without paying rent to the proprietor is nothing less), it is an idle mockery to refer us to the ordinary courts of justice for redress. The most just and simple claim is contested and delayed by every means that the forms of law will allow. Perjury and forgery are unscrupulously used against us. If a decree is obtained, and execution attempted, the purchasers of property are marked and hunted down, and in short the laws are inoperative.

“We believe that the encouragement given by the officials of the Bengal Government to the repudiation of indigo engagements is the cause of the lamentable state of affairs; that the ignorant and credulous ryot, not able to distinguish between one liability and another, and finding himself, as if by authority, freed from his indigo engagements, is now trying how far he may go in the same direction with rent, and is rapidly progressing to the repudiation of all obligations.

“Some of the gentlemen here present will detail to your Lordship facts which have come to their knowledge, in elucidation and support of these allegations.

“In such a state of affairs, we feel warranted in asking that Special Commissioners, with extraordinary powers, be appointed in the districts where there is this disorganization.

“That such Commissioners shall have full powers to compel ryots to pay rents, and to execute and carry out decrees; that they shall have powers to punish combination and conspiracy, and maltreatment of factory servants; and that such Commissioners shall be appointed by, and shall communicate directly with, the Supreme Government.”

When this paper had been read, Mr. Larmour was indicated by Mr. Fergusson as one of the gentlemen who would detail to the Governor General facts in support of the allegations contained in the above minute.

Mr. Larmour then made a verbal statement to the following effect:—

He said that there was in the Mofussil a general refusal to pay rents; that the ryots alleged it to be the order of Government that rents should be received only through the courts; that he had given this mode of realizing his rents a

trial in one of his concerns—the Bizoollee concern; that since September, he had instituted 307 cases for 2,900 rupees; that he had gained decrees for 2,858 rupees, but had been able to recover, up to the 27th of February, only 1,089 rupees, while his actual outlay in instituting and carrying through the suits had been 1200 rupees, thus leaving him 111 rupees actually out of pocket after six months' litigation.

He urged that it was practically impossible to recover rents under Act X. of 1859; that his arrears amounted to 1,25,000 rupees, and that he was literally without the means of recovering them; that even if he got decrees, he could not recover the amount, owing to the determination of ryots to resist the payment of their rents; that no moveable property was forthcoming to satisfy the decree, and that no bids could be obtained for the defaulting ryot's jumma.

He then proceeded to state that he was unable to leave his own compound; that only last week when riding out on a road on which he had been accustomed to pass for the last eight years he was stopped by two ryots, and told to go back, as it was, they said, no road for him; that his Boona coolies were shamefully ill-used by the ryots, their huts and gardens being destroyed, and even their women sometimes beaten; that he and his assistants had not attempted to grow indigo, nor so much as mentioned it; that he had been perfectly quiet also about his rents, instituting no suits for their recovery, but that notwithstanding this, it was obvious the ryots were determined not to let them live in peace; that false suits were brought against their servants, and that, in short, oppression of all sorts was practised, the object being to remove them from the country.

Mr. Lushington had come and endeavoured to get the ryots to pay their rents; they told him they would, but they did not, and then, when he again called them up, they distinctly refused, on the ground of an increase of rent having been made. But the increase alluded to, Mr. Larmour said, had been made four years ago, while in his izarahs no increase at all had been made; all he (Mr. Larmour) demanded was eight annas a beegah, and still that moderate rent was refused; his rents, he repeated, had ceased to be collected; he could not go into court as he could get no decision under two months, or if the case was appealed under five, and this, while his own engagements to the zemindars required monthly payments, repeats that there is a combination existing all over the districts to drive out Europeans, though he has never mentioned indigo, but simply asked for his rents.

To a question from the Governor General whether he had reason to complain of danger to life, Mr. Larmour referred to his statement of the two men stopping him on the road, and ordering him to go back, and he added, that within the last two or three weeks fires had occurred, and servants had died off in a most extraordinary manner.

Mr. Larmour then read the following proposition which he had sent down to the Directors of the Bengal Indigo Commission to be laid before Government:

“I propose to deposit with Government 10,000 *l.* or even 20,000 *l.*

“Government will send to me a Commissioner, say Montresor or Beaufort or Lushington, or any other man who can speak the language, and knows what ryots are; he will bring in the ryots of each village, and make them then and there pay up the rents. I prove they were according to my collections of the past year. I will take into consideration the circumstances of any ryot who from inability, and not rascality, does not pay up in full.

“Should the Commissioner upon inquiry find I have demanded in excess of what I have a right to, let him refund the sum two-fold or ten-fold, if he likes, from the 20,000 *l.* in his hands: from his order there shall be no appeal.

“The Commissioner must have a force say, 50 sowars, to carry out his orders; should the ryots of any village refuse to pay, the troops to be stationed in the village until they do.

“The Commissioner also to have powers to punish the ringleaders of the present conspiracy against rents.

“My arrears of rents amount to say, in round numbers, 1,25,000 rupees.

“Unless some immediate action is taken, I feel confident the country is lost, and to dribble on through courts of law in the present crisis is to put every thing beyond redemption.”

[It was subsequently explained by Mr. Larmour, that the precise nature of his proposition

proposition was this; that the Special Commissioner should order and enforce payment of the rents according to his (Mr. Larmour's) books of the previous year; that the ryot would then, after payment, be at liberty to challenge the correctness of the demand, and that if in any case the ryot's objections should be established, and the Special Commissioner should decide that he (Mr. Larmour) had demanded more than he was entitled to, it should be discretionary with the Commissioner, besides, ordering a refund of the amount to the ryot, to impose any fine on Mr. Larmour that he might see fit, the lac or two lacs previously deposited with Government being available for this purpose.]

After reading this paper, Mr. Larmour again reiterated his conviction of the utter impracticability of realizing rents under Act X. of 1859, and strongly urged that some immediate action of Government beyond the law was absolutely necessary.

In answer to questions from the Governor General, Mr. Larmour stated that there was nothing peculiar to his part of the country; that he spoke of the whole district generally; that he knew of no estates much better off than his own; that Mr. Herschel had been misled into believing that Mr. Hills had succeeded in realising his rents, as it was not so then; that lately, indeed, Mr. Hills had been pressing the matter, and he did not know what the result had been.

Mr. Larmour then cited cases of great delay in deciding rent suits; this he admitted might be remedied on application to Government by an addition to the number of deputy collectors; but he added that no number of deputy collectors would be of any use now; that a Special Commissioner alone could deal with the present state of affairs, and prevent them from becoming worse.

To a question from the Governor General, Mr. Larmour stated, that he strongly objected to the proposal contained in a recent petition to the Legislative Council, that the ryots should be allowed to pay their rents into the collector's court. This, he said, would be putting the landholders altogether on one side; of what use, he asked, would be our landed property under such circumstances?

To a question from Sir Bartle Frere, Mr. Larmour said, that he had nearly always received his claim in full when he got decrees for rent, always the full rent, the only deductions ever made having been on account of interest or expenses claimed.

To questions from the Governor General, Mr. Larmour said, that the powers he proposed for the Special Commissioners were those referred to in the minute read by Mr. Fergusson. They considered it necessary that these powers should be given, because he said the people from north to south believed that the Lieutenant Governor and Mr. Herschel want to root the Europeans out of the country, and without some special act on the part of the Government to prove to the people the contrary, out we must go; otherwise, he added, I am perfectly certain our lives are not safe.

In reply to further questions from the Governor General, Mr. Larmour said, that two of his servants had died suddenly; that the circumstances under which they died seemed to him suspicious; that he could not mention any specific circumstances, as he did not see either of the men while they were ill; that one was perfectly well at 12 o'clock in the day, and died at six, and the other also died very suddenly; that both were important men on his establishment; one of them had been a leader of the ryots, and that he had taken him over into his service, thinking thereby to conciliate the ryots, but that on seeing this, they turned against the man, and he (Mr. Larmour) firmly believed the man was murdered in consequence.

To a question from Sir Bartle Frere, Mr. Larmour said, that no inquiry was made into the death of the servants; that had he known of the deaths at the time they happened, he should certainly have sought inquiry.

A map of the district of Nuddea was then shown to Mr. Larmour, on which the Commissioner had marked in yellow those parts in which difficulties existed in collecting rents. Mr. Larmour said, that the yellow colouring should be greatly extended, and should include even a large pergunnah to the south belonging to a native zemindar; between this man, however, and another native, he added, there was a great quarrel, which perhaps, in that case, caused the difficulty about rents. But, in fact, the only part which he thought really ought to be white, was a large tract of jungle, uncultivated and unpeopled. Jungle, he said,

was still to be found even in what was generally supposed to be the highly cultivated district of Nuddea, where the indigo stopped. Mr. Larmour afterwards said, in reply to a question from Mr. Beadon, that the refusal to pay rents had extended to the properties of native zemindars.

To a question from Sir Bartle Frere, Mr. Larmour said, that it was true he should get his rents by the ryots giving them to the collector, but he repeated that such a course would put the landholders altogether aside.

To a question from the Governor General, Mr. Larmour said, that doubtless it would be an improvement on the proposal to require an extra payment from the ryots who chose to avail themselves of the option to pay to the collector, and, as a permanent amendment of Act X. of 1859, he strongly approved of the exaction of a penalty from ryots who should withhold their rents without cause, and force the zemindar to sue them.

To a question from Mr. Laing, Mr. Larmour said, that it was of no use to eject a ryot, because they were all combined, and no one would be found to take his place.

To a question from the Governor General, Mr. Larmour urged, that the combination was one only to be met by some special means; that there was no law which could meet the crisis. What is wanted, he said, is a summary order from an authority to the ryots to pay rent; now they don't care for any authority, not even for the Commissioner, and such a feeling never ought to be allowed to exist; if not checked, it must lead ultimately to bloodshed; immediate action, within the next month, is what is wanted; at present all authority is set at naught.

To further questions from the Governor General, Mr. Larmour stated, that attachment of the ryot's property at the time of filing the suit against him would be of little avail, as he would nevertheless find it easy to make away with all his personal property.

The power to fine a ryot when a suit for rent is decreed against him, would be a very good amendment of Act X. of 1859, but the zemindars ought to have the power to summon the ryot, as no ryot (Mr. Larmour said) will pay his rent willingly.

Mr. Larmour repeated, that he believed the late accounts from Mr. Hills' estates to have been just the same as from his own.

To a question from the Lieutenant Governor, Mr. Larmour said that the Special Commissioner must have a body of sowars, and that they should be quartered on any village that refused to pay when the Special Commissioner had ordered them to pay; then, he believed, the ryots would pay; the show of force would intimidate them.

Mr. T. M. Robinson then read the following letters and extracts of letters from Mr. Kenny, of the Salgamoodeen concern, in the district of Pubna, and other gentlemen:—

EXTRACTS of Letters from Mr. *Thomas Kenny*, of the Salgamoodeen Factory.

* Dated 22 February.

"In a former letter* I mentioned that I had indicted the heads of the combination against me for conspiracy; they were found guilty upon the evidence of two talookdars and several respectable ryots; the deputy magistrate sentenced them to six months' imprisonment, but allowed them to remain at large on bail pending the result of their appeal to the judge. Four days after the magistrate passed the above sentence, they ordered that the house of a man, who had just taken the situation of Judge Ameen, at Tribani Factory, should be plundered; it was accordingly done at mid-day, his wife much beaten, her bangles and other ornaments taken from her, and the jewel torn from her nose. The magistrate went to the ameen's house, and was allowed to see the woman's bruised face and torn nostril. Eleven of the defendants have been sentenced to six months' imprisonment, but such punishment appears to have had no effect, unless it be that of making matters worse than they were, as the ryots laugh at such a light sentence in such a case.

"The ameen is a member of the most respectable families in the neighbourhood, and his wife having been so abused, has made the remainder of my servants so much afraid of similar treatment, that I find it very difficult to retain them in my employment.

"A few days ago the gomashtha of Luckipore Factory sent his servant for some milk to a village, of which he (the gomashtha) is proprietor; the ryots beat the boy, tied his hands and feet, scattered some grain about, and sent notice to the thannah that an attack had been made upon their village by the factory people, a house plundered, &c. &c., and that they had arrested one of the attacking party. The police officer who came to investigate the

the matter, saw that it was too glaringly false a charge to be reported as true; and besides, he heard that the magistrate was coming to investigate it himself, so he sent in a true report; the boy has been released, and the complainant summoned by the magistrate. This case occurred in the Kishnaghur district.

"The Luckipoor gomashtha has since left his situation, as the ryots threatened to beat him, and plunder his house if he remained.

"Three days ago one of my mohurrirs was beaten, his pony taken from him, and himself confined in a ryot's house for some time. Mr. Ogilvie becoming uneasy about the man, sent two of his burkundazes to the darogah to report the matter; when within three or four hundred yards of the thannah, the burkundazes were attacked by a body of armed men, and severely beaten. The magistrate has seen their wounds, but the persons who beat them will not be punished, as we cannot get witnesses.

"There can be no doubt of the state of affairs here having been in a great measure caused by the moonsiffs having advised the ryots to repudiate the contracts, and sue for damages in his court, and in doing so, he hit upon the most perfect scheme for ruining the concern that could possibly be devised. The object of the ryots ill-treating my servants is merely to deprive me of them, and render it impossible for me to defend those suits. They know that the decrees already given by the moonsiff will be reversed in appeal; but the thousands of suits which they are about to institute must go by default, as I shall not be able to get witnesses, and in cases so decided there is no appeal.

"I have just heard that my Tooleram gomashtha has left the factory, and that all the Luckipoor servants have left also; there is no person in the latter factory now save a police peon and four burkundazes of mine.

"I wrote to you this morning; a few minutes after the dispatch of my letter,* one of my ryots came in with a deep cut on his head from a blow with a lattee; his offence being, that he was on his way to the factory with some of his friends, who were about to take indigo advances. I sent him to the deputy magistrate, but nothing will come of it, as to-morrow or next day he will be afraid to prosecute, lest his family might be dishonoured, or his witnesses will not identify the defendants for the same reason. Is this not a fearful state of affairs? It may be said that I am to blame; if so, let the local authorities speak out; no servant of mine has been punished for any crime; scarcely an accusation of any kind has been made against them.

* Dated 22 February 1861.

"My head servant is at Dhurumpore, superintending those suits in the moonsiff's court. I have just been informed that there are about 20 men watching his movements, with the intention of waylaying him, perhaps murdering him. I could not go to Calcutta just now, as there would not be a single servant in the concern on my return.

"During the last two days I have been trying to get palkee bearers to take me to Jessore, but not a man dare come. The sirdar, who always supplied me with bearers, says that some of his people who brought a native gentleman to see me a few days ago were fined 10 rupees each.

"As to the general state of affairs here, 'the committee' have it all their own way; they have now taken to burning down houses, and accusing my few remaining servants of having done so. Such cases can be carried on to any extent, and any number of witnesses produced to prove them. There are a dozen lattials watching my head servant, who is at the moonsiff's court at Dhurumpore, and I much fear that they will severely injure, if not murder him. I have informed the deputy magistrate of it; but in the present state of affairs here, he cannot assist me. Depend upon it that Mr. Larmour is right about there being more trouble this year than there was last season; time will tell.

† Dated 24 February 1861.

"The ryots don't care a bit about the authorities; and as to three or six months in gaol, they laugh at it. During the four days that Mr. Lushington was at Koostea, he advised my ryots to pay rents. They did pay about 4,000 rupees, and would have paid more, but one of the heads of the combination told them that Mr. Lushington was not a Commissioner at all; that he was one of the railway engineers, and that they were being humbugged by him; this they the more readily believed, as they had seen Mr. Reid here a few months previously. Mr. Lushington did all he could to get the ryots to pay their rents, but 'the committees' are too powerful for even a Commissioner to contend against.

"I have just heard that one of the servants of a neighbouring concern was severely beaten by the ryots. It is thought that he has been murdered, as he cannot be found. The report about the Suddonda gomashtha's case has made matters worse than they were. My servants go about in fear and trembling, and I am obliged to give a couple of up-country burkundazes to each to protect his house.

"In my last † I referred to one of the servants of a neighbouring concern having been severely beaten and taken away by the ryots.

† Dated 26 February 1861.

"The ryots of some of the villages near Joradah Factory assaulted one of the factory peons within a short distance of the house; they knocked him down, and then caught him by the legs, and dragged him for about a quarter of a mile across the plain; the man, of course, became insensible, and in that state they put him into a large basket, and took him away. After a few days he was traced to the house of a man in the Sindoorree concern, and released by the police. He is said to be seriously injured, as he was fearfully beaten previous to being dragged across the plain.

"About the same time the house of one of the ryots of the same concern, who took indigo advances, was attacked, and the man severely beaten; one of his arms, broken I believe.

No doubt the parties who committed those outrages will be punished; but what a state of affairs to exist; and how long is it to last?

"Should you publish the above, let it be as from a correspondent at Commercolly. Macnair does not like that anything of the kind occurring in his factories should be made public, but I think that everything of the kind should become as widely known as possible. Macnair and Sheriff saw the man being dragged across the plain.

"Some carters who were taking traps belonging to the military police were beaten by the ryots of one of my villages near here on the 24th. Although they had two of the police as guards, they were compelled to run away, and leave the carts on the high road; some of the sepoys' clothing and pots and pans were made away with. The ryots state that one of the carters broke, and took away a stalk of his sugar cane. Upwards of 80 men turned out, and would have beaten the guards also, but they called aloud for mercy. Macnair's syce, when taking a letter from Joradah to Koosteah, was attacked and beaten, and the letter taken from him. This beating people on the highway is a new thing; Macnair and myself attribute it to the presence of Mohes Chunder Chatterjee in this part of the country; he came to his house at Doorgapore from Narula a few days ago."

EXTRACT of a Letter from Mr. *Alexander Stuart*, of the Nohatee Factory,
dated the 19th February 1861.

"I AM sorry I cannot report any favourable change in the disposition of the ryots. I am pushing on rent cases against them vigourously, and am serving notices for enhancement of rents. I have been successful with my rent cases hitherto, and when I come to put the decrees in force, I think some of my friends will find themselves in a fix. I am pushing on Neezabad in favourable situations, but have no prospects of being able to make any settlement with the ryots this year. They are still as determined in their opposition as ever, and will neither cultivate their lands, nor pay a farthing of rents until forced to do so."

EXTRACT of a Letter from Mr. *Macarthur*, of the Meergunge Factory,
dated the 20th February 1861.

"No improvement in the ryots in this quarter of late, but, on the contrary, they are now refusing to pay rent, and some days ago the Amdunga ryots nearly murdered an ameen and a khallasie of that factory; indeed, ever since the Commissioner has come to the Jessore quarter, I observe a decided change to the worse in the ryots; and the ridiculous attempts being made by the Commissioners and magistrates to induce the ryots to pay rent or act honestly, are treated by them with the most perfect contempt, and only result in our being left in a much worse position than if they had not interfered at all. I saw a Bengali letter yesterday, from one of the Cossimpore Sircars, and he stated that the Dacca Commissioner, and the Furreedpore and another Magistrate had been out all through their concern for the last 10 days trying their utmost to induce the ryots to come to some terms with Smith, but that they could do nothing.

"I am greatly concerned to hear this, for it will, I fear, have a very bad effect upon our Furreedpore who have settled."

Sic in orig.

LETTER from Mr. *James Hills*, of the Neechindpore Factory, dated
21st February 1861.

"I HAVE not written to you for some time. My silence has arisen simply from having nothing of a favourable nature to communicate to you regarding the state of this district. The ryots at one time showed a disposition to pay their rents without our having recourse to the Courts, and also to settle accounts with the factories. Strange, however, and unaccountable, they became, from the time that Mr. Lushington passed through the district, less disposed either to pay rents, or to come to any settlement with the factories. Of course I do not for a moment insinuate that he directly or indirectly gave them encouragement or bad counsel, though I would not say so much for his amlah; his conversation misleads, and I am quite certain every ryot he talked to, retired with the conviction that his conduct hitherto had quite met Mr. Lushington's approval. The planters all met him on his tour, and parted with him under the impression that he would do all in his power to assist them, and his letter from Shikarpore, dated 28th December, surprised and disappointed everyone; I doubt not you perused it; to refute his opinion, it is only necessary for me to remark that scarcely a village is paying its rents until legally forced to do so, and his observation that the ryots refused to pay merely from the fear of being called upon to take indigo advances, is answered by the fact that they refused to pay previous to September, when they had taken possession of all the planters' private indigo lands, and rode rampant at the time over the district; with the knowledge of this fact before him, it is difficult to explain how Mr. Lushington came to such a conclusion."

LETTER from Mr. H. Sibbald, of the Nundunpore Factory, dated
27th February 1861.

"THE country is still in a very unsettled state; one great grievance is the destruction from cattle. The courts and pounds are too distant for the majority of the people, and the large riot it over the small ones, to a degree never known since the days of Saraj-Dowla. There is an old saying—

'The farmer who would wish to thrive,
'Must hold the plough himself, or drive;'

but in this district at present the head ryots have given up attending to their cultivation, and do nothing but hold conferences, or run about to Calcutta and the different Courts and villages; and inasmuch as these men have thrown off all obligation to their landlords, so have their own ploughmen tried it on with them. The consequence is, there appears to be a general holiday throughout the country, and ploughing of the lands for rice, &c. is almost entirely neglected, which will lead to a disastrous result at the end of the season. Besides all this, an ill feeling, too often amounting to hatred against everybody and everything, pervades all classes, and Government is in for a good share of detestation; and whereas during the mutiny (when the planters were full and flourishing), the Bengalees were loyal and civil towards the European to a degree, and these same men are now rebels at heart almost to a man. The taxes, or exaggerated reports connected with them, have had a good deal to do with this. The deputy collectors who have come to take up our rent cases, are astonished at the nominal rents which we charge to the ryots. One item (grain) alone, five years since sold here, at this time of the year for from 11 annas to 13 annas per maund; the same is now selling at 2-11, and yet with all this late gradually increasing prosperity, we made no additional rentcharges to the cultivators. In fact, Mr. Hills was formerly strongly opposed to interfering with the people in this way, and in no portion of the earth were people generally so well off as those living in the villages within the *elaka* of his different factories, and his ryots might very well deserve the term of Mr. Grant's capitalists, for they have lakhs of rupees amongst them which should have been in the pocket of the landlord."

Mr. Mackenzie, of Jingeratchee, in Jessore, stated, that his experience was on a much smaller scale than Mr. Larmour's, but that he could fully confirm the main features of that gentleman's statement. He said that Mr. Lushington and the district officers had tried to persuade his ryots to pay their rents, but in vain. Some of the ryots said they could pay when they had sold their sugar; he (Mr. Mackenzie) had determined to sell his property for one-fifth of what it was worth a few months back. (Mr. Fergusson remarked that Mr. Mackenzie had quite given up indigo, so that his case could have no connection with that question.)

In reply to a question from the Governor General, Mr. Mackenzie said that the ryots did not deny their obligations, but that they put him off, saying they would pay next month; he was of opinion there could be little use in allowing the attachment of property immediately on filing a suit; his servants would not dare to go into the villages to point out the property; he added, that in his case there has been a wholesale forgery of receipts for rent, and that some of the forgers had been seized.

In answer to the Lieutenant Governor, Mr. Mackenzie said that he had commenced to institute suits, but that he should only institute them against those who can pay; he said that there was great difficulty in seizing crops, owing to the absence of means of identifying each ryot's cultivation.

Mr. Robinson then put in two other statements of claims for rent on the part of factories.

Mr. George Brown said briefly, that the reports of his manager from the Nursebahye indigo concern enabled him fully to corroborate Mr. Larmour's statements; he mentioned that one of the gomastahs of that concern had recently been waylaid and barbarously treated by the ryots, some of whom had been convicted, but were sentenced only to six months' imprisonment. He added, that in the large estates of the Messrs. Watson, for which his firm were agents, they had given up the attempt to grow indigo, and though they were not so badly off in those estates as was the case elsewhere, they could not but see with deep alarm the spirit which is now spreading among the ryots.

Mr. Walker said, that, as agent for extensive indigo concerns, he also could entirely confirm Mr. Larmour's statement. He cited in particular, with regard to the non-payment of rents, the case of Katcheekutta, and he expressed his con-

viction that unless special protection should be extended to the Europeans, they would be compelled to withdraw.

Mr. Fergusson brought to notice the absence of any law to punish combination, and Mr. Robinson explained that the law was understood to be that a conspiracy could only be punished when it was a conspiracy to do an act which was in itself unlawful; but that no combination, however injurious in its results to those against whom it was directed, could be dealt with under the existing law if it did not involve the commission of acts in themselves illegal.

(No. 495.)

From *W. Grey*, Esq., Secretary to the Government of India, to *W. S. Seton-Karr*, Esq., Secretary to the Government of Bengal, dated Fort William, 11 March 1861.

Sir,

Home Department.

THE Governor General in Council having considered the statements which were urged on his attention last Monday by Mr. Larmour and other gentlemen, at the meeting at which the Lieutenant Governor was present, I am directed to communicate the following observations:—

2. The Governor General in Council considers it to be fully established that, whatever may be the cause, there is at the present moment an actual difficulty experienced in certain districts by European landholders in realising their rents; and further, he has no doubt that some of the European landholders are really alarmed at the unusual attitude which the ryots have assumed towards them. His Excellency in Council cannot indeed admit that there is reasonable ground for the dark suspicions to which some of the planters have given expression as to the acts and intentions of the ryots. That there have been instances of assaults upon factory servants is unfortunately true, but this affords no ground for suspecting that other factory servants who have suddenly died have been secretly murdered, or that there is any disposition on the part of the ryots to have recourse to such atrocities.

3. The Governor General in Council is, however, of opinion, that the unwillingness evinced by the ryots to pay their rents, and the uneasiness which such conduct has not unnaturally produced in the minds of the European landholders, require that the Government should adopt some active and special measures, with the view both of arresting the spread of any belief among the ryots that they can with impunity refuse to discharge their just liabilities, and of removing the apprehensions entertained by the planters in regard to the consequences of such conduct, if permitted to proceed unchecked.

4. The planters themselves have requested that a special Commissioner, armed with extraordinary powers, should be sent into the disturbed districts for the purpose of enforcing payment of their rents by the ryots. The Governor General in Council thinks that it will be useful to appoint a Special Commissioner, and he desires me to suggest to the Lieutenant Governor the immediate adoption of this measure. The Special Commissioner, his Excellency in Council thinks, should be attended by a strong party of police, and should be accompanied by such number of deputy collectors as his Honor may consider necessary in order to insure a prompt issue to all suits for rent that may be instituted. But the Governor General in Council does not consider it necessary that the Commissioner should be clothed with any powers of action against the ryots beyond what the law will give to him if he be vested with all the powers of a magistrate and a collector in the districts which he visits.

5. It will probably be desirable that the Commissioner should, in the first place, proceed to that part of the Nuddea or Jessore district, which Mr. Larmour may point out as comprising the villages by which the greatest resistance to the payment of rents has been shown, or may be anticipated. The Commissioner should summon the principal ryots of these villages before him, and should address them in terms of serious warning against a neglect to pay the just demands of the zemindar

zemindar or izarahdar for rent, and should call on them to state before him whether they are willing to pay their rent or not, and if not, on what grounds their refusal rests. It will be his duty to make it plain to the ryots that the purpose of his visit has no connexion whatever with indigo, but that it is solely connected with the complaint which has been made to Government, that the ryots, irrespectively altogether of any question of indigo, are wilfully withholding payment of the rent justly due by them. This, he will tell them, the Government will not tolerate, and he will add, that if the ordinary law for the recovery of rents should be found inefficient against a general refusal of large bodies of ryots to pay their rents, the Government will not hesitate to have recourse to proceedings of a sharper and more summary character. He should warn them that this must be the inevitable consequence of any combination among the ryots to withhold payment of rents, and he should earnestly caution them against listening in this matter to the mischievous advice of any person who may instigate them to such a course, as it can produce nothing but evil results to themselves.

6. If the ryots, upon the appeal made to them by the Special Commissioner, should signify their willingness to pay their rents,* the Commissioner should call upon the zemindar, or his representative, to appoint a day for receiving the rents in his (the Commissioner's) presence; or, if the zemindar should prefer it, and in that case only, the Commissioner may authorise the receipt of the rents by a deputy collector, who, in that case, however, must be aided by the podars and mohurrirs of the zemindar, upon whom will rest the entire responsibility for the tale and genuineness of the money paid in, and who will retain possession of it on behalf of the zemindar, the receipts given to the ryots being jointly signed by one of the zemindar's servants and by the deputy collector, or his serishtadar.

7. If no difficulty should be experienced in persuading the ryots to pay their rents, it will then be a very important part of the duty to be discharged by the Commissioner to obtain reliable information as to the motives which have induced the ryots to withhold payment of their rents until called upon in this manner to pay them. On this point the Governor General in Council thinks it probable that an officer having an intimate knowledge of the people and their language will not find much difficulty in satisfying himself.

8. If, on the other hand, the Commissioner should find that his appeal to the ryots is of no avail, and that they still continue to refuse payment of their rents, though assured that the discharge of their just liability for rent can in no way affect their freedom of action in regard to the cultivation of their holdings so long as they continue to occupy them, he should call upon the zemindar, or the zemindar's representative, to file suits on the spot against all the leading ryots of the defaulting villages, which suits should be at once taken up and tried by the deputy collectors, the decrees when given against the ryots being executed with the utmost despatch permitted by the law. The Commissioner's attention should be specially directed to the statements which have been made as to the difficulty of finding property to satisfy a decree when obtained, in order that he may adopt any measures that he may judge to be expedient, whether by means of the police force at his disposal or otherwise, to counteract the difficulty.

9. While the Commissioner's first and immediate care will be to bring about a settlement as to the matter of rent between the zemindars and their ryots—and the Governor General in Council is much inclined to believe that this will not be attended with serious difficulty, except where there may be a *bond fide* dispute as to the amount of the rent which is due—there are some general points on which it is very desirable that his attention should be carefully and constantly fixed, in order that he may be able to form a satisfactory judgment upon the statements which have been made regarding them.

10. It is, for instance, essential that the Government should possess more precise information than is at present before it as to the existence of any real combination to refuse payment of rents—the extent of such combination, if it exists,

* It will be recollected that in Mr. Larmour's case, at all events, it is distinctly stated that there is no question as to the rate of rent to be paid.

exists, and especially whether it is directed against European zemindars alone, or has been used against native zemindars also—the objects of it, especially whether there is any foundation for the supposition of a design to drive Europeans out of the country, and in that case, from what motives and feelings such a design has originated,—and, lastly, the agency and means by which the combination is worked and kept alive.

11. Then it is also very desirable—and the more so if the existence of any extensive combination on the part of the ryots is established—that the Government should receive from the Commissioner an opinion, after careful inquiry, as to the practical effect of some of the provisions of Act X. of 1859, which are represented to have injuriously affected the position and influence of the zemindar, and particularly of that provision in section XI. which has deprived the zemindar of the power so long possessed by him of summoning his ryots to his eutcherry, and, if necessary, of compelling their attendance there by force. This is a point to which the attention of the Commissioner should be specially addressed.

12. A further question which the Commissioner may be requested to consider is that which was mentioned by Mr. Fergusson on Monday, namely, the supposed want of any law to prevent a combination which, though not being for any purpose unlawful in itself, may in its results be productive of great injury to those against whom it is directed. Such, for example, would be a combination to subject to social proscription all those who should take service under a European zemindar or indigo planter, with a view of deterring persons from entering such service. If this be not now punishable by law, the present state of things in Nuddea and Jessore may possibly afford ground for inquiring whether it is not expedient to make it so. The Commissioner will be able to ascertain if combinations of the kind have actually prevailed, and if so, whether to such an extent as to call for the intervention of the Legislature for their suppression.

13. The Lieutenant Governor will not understand it to be the wish of the Governor General in Council, that the officer to be specially deputed in the manner and for the purpose above described should in any degree supersede the local officers. Nothing of the kind is intended. But the circumstances of the case appear to the Governor General in Council to require the appointment of an officer, who, uninterrupted by any other duties whatever, will be able to devote his whole time and attention to the adjustment of the differences existing between the landholders and their ryots, which it is impossible that either the Commissioner of the division or the district officers should do with a proper regard to the many functions which devolve upon them.

14. The Governor General in Council will be glad that, with the approval of the Lieutenant Governor, an acknowledgment by the Supreme Government of the assiduity, intelligence and temper with which the officers in the indigo districts have discharged their duties be conveyed to them; especially to Mr. Lushington and Mr. Herschel.

I have, &c.
(signed) *W. Grey*,
Secretary to the Government of India.

(Judicial.—No. 87.)

To his Excellency the Right Honourable the Governor General of India
in Council.

My Lord,

India Office, London, 25 May 1861.

1. YOUR letters, Nos. 24 and 25, dated respectively the 8th and 18th March, transmitting further proceedings of your Government and of the Government of Bengal, relative to the state of matters in some of the indigo districts of Lower Bengal, have been considered by me in Council.

2. To your Despatch, No. 24, I have already replied in part in my Despatch, No. 71, of the 18th April.

3. From

3. From the reports submitted by the Lieutenant Governor, it appears that the feeling on the part of the ryots against the cultivation of indigo is in some places very strong. Where this is the case, the local officers have very properly abstained from interfering between the planter and the ryot in the absence of any violence or illegal conduct on the part of either of them.

4. The officiating Commissioner of the Nuddea Division* strongly advocates * Mr. E. H. Lushington. the enactment of a law for the compulsory registration of contracts; but he adds that, unless the village chokedar, or some other well-known person in the village, can always be found to certify on oath to the identity of the parties registering, registration would be a useless form. It appears to me that the necessity of identification, in some thousands of cases, by persons whose attendance at the registrar's office must be voluntary, is a fatal objection to any law of compulsory registration. As already stated in my Despatch, No. 63, of the 8th April, I leave the question in your hands for further consideration.

5. The instance mentioned in the 22d and following paragraph of Mr. Lushington's report, of the 19th February last, of an extensive trade in sugar being carried on in the heart of the disturbed indigo districts, between Europeans and natives, on the system of advances, without any local influence or authority on the part of the Europeans, and to the satisfaction of all concerned, affords a striking illustration of what may be done by dealing on terms of reciprocal benefit with the native, and furnishes additional evidence against the enactment of special laws for the punishment, by the magistrate, of breaches of contracts for the delivery of agricultural produce.

6. In regard to the difficulty experienced in certain localities by the European landholders in realizing their rents, I generally approve of the instructions contained in your communication to the Government of Bengal, dated 11th March last, a copy of which accompanies your letter under reply, of the 18th idem. In some cases there would appear to be points of dispute between the landholder and his tenants, which nothing but a judicial decision will settle; but where the difficulties of the landholder arise altogether from the refusal of bodies of the ryots to pay their rents, the promptest means should be taken to put an end to such combinations, and to convince the ryots that, while the Government secures for them the fullest freedom of action, in regard to the cultivation of their lands, it will not permit any illegal proceedings on their part, the object of which is to withhold from the proprietor the rents justly due to him.

I have, &c.
(signed) C. Wood.

EAST INDIA (INDIGO).

COPY of further ORDERS and CORRESPONDENCE relative to the DISPUTES between the INDIGO PLANTERS and RYOTS of *Lower Bengal.*

(*Mr. Vansittart.*)

***Ordered, by The House of Commons, to be Printed,
30 May 1861.***

[*Price 10 d.*]

291.

Under 12 oz.

EAST INDIA (INDIGO).

SUPPLEMENTAL RETURN to an Address of the Honourable The House of Commons,
dated 15 May 1861 ;—*for*,

“ COPY of any further ORDERS and CORRESPONDENCE relative to the
DISPUTES between the INDIGO PLANTERS and RYOTS of *Lower*
Bengal.”

India Office, }
22 June 1861. }

J. HAWKINS,
Secretary, Judicial Department.

(*Mr. Vansittart.*)

Ordered, by The House of Commons, to be Printed,
25 June 1861.

COPY of further ORDERS and CORRESPONDENCE relative to the DISPUTES
between the INDIGO PLANTERS and RYOTS of *Lower Bengal*.

Home Department.—Judicial.

(No. 35, of 1861.)

To the Right Honourable the Secretary of State for India.

Sir,

IN continuation of our letter (No. 24) dated the 8th ultimo, we have the honour to forward the special narrative of the proceedings of the Government of Bengal, noted on the margin,* reporting further proceedings connected with the indigo excitement in Bengal.

* No. 21, dated
6 April 1861.

We have, &c.
(signed) *Canning.*
Hugh Rose.
H. B. E. Frere.
C. Beadon.
S. Laing.

Fort William, 9 April 1861.

Government of Bengal.—Judicial.

(No. 21, of 1861.)

Judicial Depart-
ment, 6 April
1861.

SPECIAL.

Letter from Com-
missioner of Nud-
dea, No. 12, dated
5 March 1861.

IN continuation of the Judicial Narrative, No. 13 of 1861, herewith is forwarded, for the information of the Right Honourable the Secretary of State, copy of a further letter from the Commissioner of Nuddea, containing a report on the state of a part of the Jessore district.

2. The chief point demanding the attention of Government in this report was the difficulty still said to exist as to the realization of rents by the European landholders, but it was hoped by the local authorities as well as by this Government that the prompt decision of cases under Act X. of 1859, (the number of Deputy Collectors in Jessore having been already increased to six, besides the subdivisional officers) would soon settle this difficulty.

3. On the 4th March a deputation of the Indigo Planters' Association waited on the Governor General for the purpose of representing the difficulties under which the planters were said to be labouring. A *précis* of what passed at this meeting, at which the Lieutenant Governor was also present, together with the observations and orders of the Government of India thereon, will be found in the Appendix. The main difficulty complained of by the deputation was the realization of rents due to the planters as zemindars or talookdars, and the Government of India considering this point to be established, directed the appointment of a special Commissioner in the indigo districts for the sole object of settling this difficulty. Accordingly, Mr. C. F. Montresor, magistrate and collector of the 24-Pergunnahs, one of the officers named by the planters, and considered by the Lieutenant

Letter from Secretary to the Government of India, No. 485, dated 11 March 1861.

Letter from Secretary to the Government of India, No. 486, dated 11 March 1861.

Letter to Mr. C. F. Montresor, No. 582 A., dated 14 March 1861.

Letter from Secretary to the Government of India, Home Department, No. 522, dated 15 March 1861.

Letter to Commissioner of Nuddea, No. 619 A., dated 16 March 1861.

Letter to Mr. T. M. Robinson, No. 620 A., dated 16 March 1861.

Letter to Mr. G. G. Morris, No. 673 A., dated 23 March 1861.

Letter from Commissioner of Nuddea, No. 28, dated 19 March 1861.

Letter to Secretary to the Government of India, Home Department, No. 770 A., dated 8 April 1861.

Lieutenant Governor eligible for the appointment, was appointed a special Commissioner, and directed forthwith to proceed to Nuddea, and enter upon the duties of his mission, which were fully explained in the letter of instructions from the Government of India above alluded to.

4. Shortly afterwards, the Government of India handed over to this Government certain communications from the Meergunge and Joradah factories in Jessore, submitted to that Government by the firm of Messrs. R. Thomas & Co., of Calcutta, representing the great difficulty experienced by these factories in the realization of rents, owing to the absence of an adequate number of officers to try rent suits. Immediate orders were issued to the Commissioner of Nuddea to depute two or three deputy collectors to that part of the district; and with a view to the more speedy settlement of this difficulty, a second special Commissioner was appointed in Mr. G. G. Morris for the eastern districts of Jessore, Pubna and Furreedpore, the Government of India having made a suggestion to this effect.

5. Both Mr. Montresor and Mr. Morris have been authorised to organize a small establishment for the performance of their duties; and 14 Deputy Collectors, of whom two are Europeans, have been appointed under them to assist them in their operations. Arrangements have also been made for parties of the military police, both infantry and sowars, to accompany them in their movements through the districts, with a view to support their authority. Neither Mr. Montresor nor Mr. Morris, though employed on special duties, have any extraordinary powers, or anything beyond the power of a magistrate and collector in such district which they may enter. The results of the operations of these two special Commissioners will be fully reported hereafter; but from a demi-official letter sent by Mr. Montresor two days ago, the aspect of affairs is not so unpromising as might have been thought the case.

6. One of the statements made by Mr. Larmour, on the occasion of the late deputation of the indigo planters to the Governor General, was that the dates of trial of certain rent cases, instituted in the Jenidah subdivision of the Jessore district in the end of January, had been fixed in April, whereby it was understood that Mr. Larmour impugned both the existing law and practice as ineffective. With reference to this statement, the officer in charge of the Jenidah subdivision, Mr. Talgon, submitted an explanation (a copy of which is appended), showing that the cases in question, though nominally fixed for trial in April, when there were no other Deputy Collectors in the subdivision, were, on the arrival of such an officer shortly afterwards, actually disposed of before the date on which Mr. Larmour made his statement. A copy of Mr. Falcon's explanation was forwarded to the Government of India, as showing the untenable grounds on which the existing law and practice had been impugned before the Governor General.

7. The committee of the Indigo Planters' Association, in commenting upon certain remarks about the Kotchandpore sugar trade made by Mr. Lushington, Commissioner of Nuddea, in his report of the 19th February last (a copy of which was forwarded with the Judicial Narrative, No. 13 of 1861), ascribed those remarks to an animus conceived by Mr. Lushington against the planters. A copy of the Association's letter, and of the reply given thereto, will be found in the Appendix. The attention of the Right Honourable the Secretary of State is specially solicited to the latter.

8. In January last Mr. Durand, of Nischindapore Factory, having complained of the existence of a hostile combination on the part of his ryots in the Pubnah district, orders were issued to the magistrate of Pubnah to proceed to the neighbourhood of Mr. Durand's factories, for the purpose of inquiring into the matters complained of by that gentleman. Mr. Bainbridge having been prevented by illness from carrying out the above orders in person, confided the duty to the deputy magistrate, Mr. H. M. Reily. The result of the

Letter from Commissioner of Nuddea, No. 14, dated 25 March 1861.

Letter to Commissioner of Nuddea, No. 749 A., dated 2 April 1861.

Letter to Government of India, Home Department, No. 750 A., dated 2 April 1861.

Letter from Secretary to the Indigo Planters' Association, dated 14 March 1861.

Letter to Secretary to the Indigo Planters' Association, No. 751 A., dated 2 April 1861.

Letter from Mr. P. Durand, dated 8 January 1861.

Letter to Mr. P. Durand, No. 133 A., dated 15 January 1861.

Letter to Commissioner of Rajshahye, No. 132, dated 15 January 1861.

Letter from Commissioner of Rajshahye, No. 11, dated 23 March 1861.

Letter to Mr. P. Durand, No. 729 A., dated 30 March 1861.

inquiry instituted by this officer showed that Mr. Durand was involved in an ordinary dispute about the zemindaree interest in certain lands, which was in its nature one which must be determined in the civil courts, and in which the magisterial authorities could not interfere.

9. In December last a petition was presented by Puresh Narain Roy, zemindar of Pergunnah Lushkorpore, in zillah Rajshahye, one of the two Pooteah zemindars, whose estates, during their minority, had been held in lease from the Court of Wards by the Messrs. Watson, complaining of certain proceedings of the magistrate Mr. S. H. C. Taylor, and of the joint magistrate Mr. C. T. Metcalfe, of Rajshahye, and of their being biased in favour of the planters, and unjust towards the petitioner. The explanations

Petition of Puresh Narain Roy, dated 14 December 1860.

Resolution on ditto, No. 6734, dated 19 December 1860.

Letter to Commissioner of Rajshahye, No. 6735, dated 19 December 1860.

Letter from Commissioner of Rajshahye, No. 5 A, dated 22 February 1861.

Letter to Commissioner of Rajshahye, No. 642, dated 21 March 1861.

submitted by these officers (copies of which are herewith forwarded) were considered to be satisfactory as regards the graver charges of misconduct alleged in the petition; but, on the whole, the impression left on the Lieutenant Governor's mind from these explanations, was, that in their treatment of the zemindar and the Ranee his mother, both Messrs. Taylor and Metcalfe did not show that degree of consideration and courtesy which was due to their positions.

10. Shortly afterwards a petition was presented by certain ryots of Pergunnah Lushkorpore, preferring complaints of unfairness and partiality against Mr. Metcalfe, the joint magistrate. The explanation submitted by this officer (a copy of which is appended), was considered by the Lieutenant Governor to be satisfactory.

Petition of certain ryots of Pergunnah Lushkorpore.

Resolution on ditto, No. 152 A., dated 17 January 1861.

Letter from Commissioner of Rajshahye, No. 163, dated 7 March 1861.

Letter to Commissioner of Rajshahye, No. 646 A., dated 21 March 1861.

Resolution, No. 645 A., dated 21 March 1861.

11. Herewith is also forwarded copy of a report from Mr. Radcliffe, late officiating Commissioner of Chittagong, of the existence of an uneasy feeling amongst certain indigo ryots in the concerns of Messrs. Wise and Glass, in the district of Tipperah, and of the measures taken in consequence by the district officers. As this report did not give a clear impression of what has occurred, Mr. Schulch, the present commissioner has been called upon to submit a clear report on this affair.

Letter from Officiating Commissioner of Chittagong, No. 90, dated 13 March 1861.

Letter to Officiating Commissioner of Chittagong, No. 652, dated 22 March 1861.

Decision of the Sudder Nizamut Adawlut in the case of Mr. C. B. Maseyk.

12. In para. 9, of the Judicial Narrative, No. 56 of 1860, mention was made of the case of Mr. C. B. Maseyk, of the Kuddumsar indigo factory, who, with 15 of his dependants, had been committed for trial on a charge of plundering the house of one Juggobundo Dutt, of Thama Pulsa, in the Aurungabad subdivision, and of carrying away and forcibly detaining in custody the said Juggobundo Dutt. The attention of the Right Honourable the Secretary of State is particularly solicited to the decision of the Nizamut Adawlut in the above case (a copy of which is herewith forwarded) sentencing Mr. Maseyk to imprisonment for one year and labour, commutable to a fine of 1,000 rupees.

Fort William,
6 April 1861.

(signed) *W. Seton-Karr*,
Secretary to the Government of Bengal.

From *E. H. Lushington*, Esq., Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal (No. 12), dated 5 March 1861.

Sir,

* No. 140, dated 24 February 1861

I HAVE the honour to forward, for the information of the Lieutenant Governor, the accompanying copy of a report* from the magistrate of Jessore, with enclosures, on the state of part of the district of Jessore.

† No. 56, dated 1 February 1861.

2. I beg also to add the following extract of an account† furnished by the magistrate, regarding a visit he made in January to the factories of Mr. Durand, of Nischindipore: †

“ I have

"I have lately visited Subdulpore, in company with Mr. Tayler, in the hope of making some arrangement between Mr. Durand and the ryots; without much success, however. Mr. Durand is exceedingly obstinate and unreasonable, and very obnoxious to the ryots, all of whom professed their readiness to pay their proper rents, but refused to pay enhanced jumma, which they said was Mr. Durand's object. The latter would not give any explanation on the subject, or make any overtures towards the ryots. I left Mr. Tayler there, trying to get the ryots to pay at least that amount, which they admitted to be due, promising that dakhilas should be given in our presence to all who would pay, and leaving the disputed portion to be sued for, if necessary. To this they all agreed."

From *R. J. Wigram*, Esq., Officiating Magistrate of Jessore, to the Commissioner of the Nuddea Division (No. 140), dated 24 February 1861.

Sir,

I HAVE the honour, in continuation of my Report, No. 28, of the 9th January, to submit, in original, a report* received from Mr. Skinner, the joint magistrate, on the present state of so much of the district as came under his observation on a tour just concluded.

* Mr. Skinner's Report, No. 87, of 20 February.

2. With regard to indigo, I regret to hear so discouraging accounts of the prospect of the coming season. I trust, however, that the apprehensions that even the few contracts that have been made will be repudiated, may prove groundless. Considering the persecution which the planters say the acceptance of advances has caused to the accepting ryots, it is difficult to believe that they would have taken them unless they intended to act in good faith. I cannot believe that any general misapprehension of the wishes of Government as to indigo cultivation can exist.

3. I have myself heard but little of recent cases of "threats, intimidation, and petty annoyance of factory servants, and of all who side with the planter." It is only natural that, in the case of factories which bear a bad name among the people, the servants should share in their master's unpopularity, in addition to the odium which their own malpractices, as long as they were in power, have raised for themselves.

4. With regard to rents, I am afraid I cannot report so much improvement as I hoped to see by this time. It is but recently, however, that many of the planters, despairing of getting their rent by conciliatory measures, have applied to us for aid, and rent cases are being disposed of with a promptness and rapidity by the deputy collectors which is daily increasing. I am far from taking a desponding view of this question, and am still persuaded that if the local deputy collectors will but take up the cases in earnest on the spot, as I have constantly enjoined them to do, the most determined combination must give way. On this point, however, I shall shortly have occasion to make a full report.

5. Mr. Skinner's remark, in paragraph 15 of his report, on the serious delay and expense of the courts, I can only attribute to his being principally employed in the magistrate's court, and therefore to his having had little experience of the working of Act X. Under the instructions I have issued to the deputy collectors every common rent case should be disposed of within fifteen days, and the execution of the decree, if applied for, at once commenced; and in cases where I have been able to send deputy collectors to the spot, to take up cases village by village, much less time is necessary; while, especially in the latter case, the expenses in ordinary cases, where few if any witnesses need be examined, are inconsiderable, and fall upon the party whose fault has rendered litigation necessary.

6. I regret, with Mr. Skinner, that planters in Jessore will not unite to determine on measures advantageous for all in the present crisis, but each man works according to his own ideas of what is best to be done.

7. I am about to visit the indigo districts in the east of the Magoorah Sub-division, and shall have the honour, in a short time, to report fully upon the state of the whole district.

From *C. B. Skinner*, Esq., Joint Magistrate of Jessore, to the Officiating Magistrate of Jessore (No. 87), dated 20 February 1861.

I HAVING now visited Sindoree, Khalispore, Catgurah, Caragodah, Jegurgatcha, Pulta, Nohatta, Beejolee, Salcopa, Hazrapore, and Parahattee Concerns, I have the honour to furnish the following, for the information of yourself and the Commissioner of Circuit:—

2. *Indigo*.—In Hazrapore concern, where the manager has depended on his own persuasive powers, without recourse to the courts, many agreements for indigo have been entered into.

3. In the concern of Poorhattee, however, but few have contracted.
4. In Joradah some 500 beegahs have been agreed for.
5. In Bejoollee, the Jessore villages of Catgurah, and, to a small extent in Chandpore factory of Nohatta, some contracts have been executed.
6. In Sindoorree some 70 ryots have taken advances. In almost all cases *bee ilaka* ryots alone have contracted.
7. Some planters have given up all hope; some have refused to give advances, because they have no means of enforcing contracts.
8. It is a native opinion that all contracts will be repudiated when the sowing season comes.
9. In Sindoorree quarter the best indigo lands are being sown with sugar cane, and others being cultivated for paddy.
10. I have seen whole plains, where not a weed could be found in former years, now lying waste. Agriculturists throughout the district say that *Moharaneer howa* has blown through the country, and absolved them from all connexion with indigo; and in one place said they were so bewildered with Government proclamations and current reports that they did not know what Government wanted. I, of course, explained the wishes of Government. They universally told me that indigo was obnoxious on account of oppression by factory servants. About Kotechandpore they said they would not have indigo at any price or on any system. In the East they argued that it was all very well to sow indigo when paddy returned small profits, but that now it was quite out of the question. It remains to be seen how the fall in prices of paddy will operate in favour of indigo. A foolish report has spread among the more ignorant, that every person entering into contracts will be branded on the forehead by order of Government.
11. *Police*.—The former excitement has subsided, and the public peace does not appear in danger of being disturbed; but threats, intimidation, and petty annoyances of factory servants, and of all who side with the planter or do not join combinations against indigo or rents, as the case may be, are still common, and either no evidence is procurable or the law does not apply.
12. Most complaints are made by Mr. Meares; but I think others are in much the same plight, ill-will being more apparent where severity was formerly more practised. The dry winds are making fires common, and charges of arson are being brought in Sindoorree quarter. One mode of ignition is to tie a lighted wisp to a bullock's horn and turn him loose near a straw rick. These charges are under investigation.
13. *Rents*.—Rents are still withheld very generally, but the pressure falls mostly on Europeans, although some natives have also experienced difficulties. Mohajuns, losing confidence, are beginning to sue for debts, and refuse fresh loans at Nohatta. I persuaded some persons to pay; but the numerous decrees gained by Mr. Stuart had already convinced many that it was cheaper to pay at once. At Jegurgatcha only three villages held back. In one, of which Mr. Mackenzie has the izara, I found a perwannah from the talookdar, forbidding the ryots to pay; but after a conference with me they agreed to pay in 10 days, to which Mr. Mackenzie consented. The inhabitants of the other two villages disputed the amount claimable, so that Mr. Mackenzie was forced to sue under Act X. of 1859. In this concern, however, some 25,000 rupees of rents are said to be due, chiefly in Nuddea.
14. In Sindoorree some 20,000 rupees arrears of rent remain to be collected. Mothoora Nath Acharjee appears to be the counsellor of the ryots in this quarter. I had a long talk with him, and he accused Mr. Meares of having fined him 10,000 rupees since 1261 B. S. He could not remember all the items, but would look at his books and then petition, assigning as his reason for not having complained before that he could not have got witnesses when Mr. Meares was prosperous, but now he could get as many as he liked. This man was a staunch adherent of the factory till June last, when he suddenly turned, saying Mr. Meares wanted the izara of all his property, &c. Many petitions were put in against him, into which inquiries are being made. Those who were paying before have refused since November. Some promised me they would pay; but as Mr. Meares insists on having integral rents, with interest, I doubt their doing so. Mr. Falcon has gone to see what he can do, as Mr. Larmour requested me to go to Beejoollee, where ryots who had actually brought money to Mr. Falcon's tent took it away again at the instigation of Darik Hor.
15. A number of villagers came in at my call, and paid up small sums with manifest reluctance.

reluctance. Altogether some 1,700 rupees were paid in my presence, and about 125 rupees before Mr. Falcon. These results are not very satisfactory, when we consider the marginal statement. The ryots said they had no cause to complain of Mr. Oman, but they had not paid in consequence of *giro mundo* (evil destiny). At Caragodah I was not asked to interfere, there being no one in charge, and there having been but little difficulty until notices of enhancement were issued. At Hazrapore, where the temper of the ryots is most favourable, and Parahattee, Mr. Oatts takes what he can get without asking for more, although only about half the rents of 1267 have been paid. There appears to be a general reluctance to pay, except in the presence of a *hakim*, which the people attribute to fear that they will be forced to take contracts if they go to the factory; and as in most cases tesildars have joined the combinations, or been driven from the villages, planters refuse to receive them elsewhere. Village cutcheries are falling into ruins, and tesildars are scarcely to be found. Generally, those to whom I have spoken have acknowledged their liabilities, and promised to pay, but eventually held aloof, or brought in paltry sums, even though they had petitioned the Collector at the Sudder Station to receive their rents, producing bags of money only a few days before. Planters do not like to give dakhilas for fractional amounts, fearing that receipts for the whole will be forged; but printed double receipts, such as those now used by Mr. Oman, must be effective safeguards against forgery. Mutual distrust is the great bar to adjustment; and this is the first barrier to be removed, as its consequence is resort to the courts, the delay and expense of which are ruinous to all parties. The revenue has not suffered as yet, because money borrowed generally at 10 per cent. has met the Government kists; but this cannot last, and Europeans must succumb if rents continue to be withheld.

| | Rs. |
|---|--------------|
| Collected in past years by end of February 1860 | - 20,000 |
| Unpaid on 6 February 1861 | 13,048 |
| Realised on decrees - | 750 |
| By Mr. Falcon - | 75 |
| By myself - | 1,700 |
| | <u>2,534</u> |
| | Rs. 10,514 |

16. The executions of decrees for rents, with interest and costs, under Act X. of 1859, have opened the eyes of the payers in some parts, and they are becoming more shy of recusance, unless they have well-grounded objections; but the practical delay in realising decreed sums mars the utility of the law in cases of extensive combination. It is the general opinion among rent receivers that unwillingness to pay is increasing. Conciliatory measures have met with partial success in inducing people to contract for indigo, but do not have much effect in procuring payment of rents. Suits and notices of enhancement, while frightening some, irritate the majority. I have not discovered attempts at coercion by Europeans, but I detected some up-country peons of a native zamindar, with written instructions to extort payment by various modes of oppression.

Only one meeting, at which but few attended, has been held by Jessore planters. I think this is to be regretted, for each tries to carry out his own ideas in his own fashion, and all adopt different policies, whereby permanent adjustment of the disputes is seriously obstructed.

(No. 528 A.)

COPY forwarded for the information of the Government of India, in the Home Department, in continuation of letter (No. 504 A.) of the 5th instant, with an intimation that three additional Deputy Collectors have been placed at the disposal of the Commissioner of Nuddea for the trial of cases under Act X. of 1859, in the districts of Baraset, Nuddea, and Jessore.

By order of the Lieutenant Governor of Bengal.

(signed) *H. Bell,*

Fort William,
11 March 1861.

Under Secretary to the Government of Bengal.

From *W. Grey*, Esq., Secretary to the Government of India, Home Department, to *W. S. Seton-Karr*, Esq., Secretary to the Government of Bengal (No. 485), dated 11 March 1861.

Sir,

THE Governor General in Council having considered the statements which were urged on his attention last Monday by Mr. Larmour and other gentlemen, at the meeting at which the Lieutenant Governor was present, I am directed to communicate the following observations.

2. The Governor General in Council considers it to be fully established that, whatever may be the cause, there is at the present moment an actual difficulty experienced in certain districts by European landholders in realising their rents; and, further, he has no doubt that some of the European landholders are

really alarmed at the unusual attitude which the ryots have assumed towards them. His Excellency in Council cannot indeed admit that there is reasonable ground for the dark suspicions to which some of the planters have given expression as to the acts and intentions of the ryots. That there have been instances of assaults upon factory servants is unfortunately true, but this affords no ground for suspecting that other factory servants who have suddenly died have been secretly murdered, or that there is any disposition on the part of the ryots to have recourse to such atrocities.

3. The Governor General in Council is however of opinion that the unwillingness evinced by the ryots to pay their rents, and the uneasiness which such conduct has not unnaturally produced in the minds of the European landholders, require that the Government should adopt some active and special measures, with the view both of arresting the spread of any belief among the ryots that they can with impunity refuse to discharge their just liabilities, and of removing the apprehensions entertained by the planters in regard to the consequences of such conduct if permitted to proceed unchecked.

4. The planters themselves have requested that a special Commissioner, armed with extraordinary powers, should be sent into the disturbed districts for the purpose of enforcing payment of their rents by the ryots. The Governor General in Council thinks that it will be useful to appoint a special Commissioner, and he desires me to suggest to the Lieutenant Governor the immediate adoption of this measure. The special Commissioner, his Excellency in Council thinks, should be attended by a strong party of police, and should be accompanied by such number of deputy Collectors as his Honor may consider necessary, in order to ensure a prompt issue to all suits for rent that may be instituted. But the Governor General in Council does not consider it necessary that the Commissioner should be clothed with any powers of action against the ryots beyond what the law will give to him, if he be vested with all the powers of a magistrate and a Collector in the districts which he visits.

5. It will probably be desirable that the Commissioner should, in the first place, proceed to that part of the Nuddea or Jessore district which Mr. Larmour may point out as comprising the villages by which the greatest resistance to the payment of rents has been shown, or may be anticipated. The Commissioner should summon the principal ryots of these villages before him, and should address them in terms of serious warning against a neglect to pay the just demands of the zemindar or izarahdar for rent, and should call on them to state before him whether they are willing to pay their rent or not, and if not, on what grounds their refusal rests. It will be his duty to make it plain to the ryots that the purpose of his visit has no connexion whatever with indigo—but that it is solely connected with the complaint which has been made to Government, that the ryots, irrespectively altogether of any question of indigo, are wilfully withholding payment of the rent justly due by them. This he will tell them the Government will not tolerate, and he will add that if the ordinary law for the recovery of rents should be found inefficient against a general refusal of large bodies of ryots to pay their rents, the Government will not hesitate to have recourse to proceedings of a sharper and more summary character. He should warn them that this must be the inevitable consequence of any combination among the ryots to withhold payment of rents, and he should earnestly caution them against listening in this matter to the mischievous advice of any person who may instigate them to such a course, as it can produce nothing but evil results to themselves.

6. If the ryots, upon the appeal made to them by the Special Commissioner, should signify their willingness to pay their rents,* the Commissioner should call upon the zemindar or his representative, to appoint a day for receiving the rents in his (the Commissioner's) presence—or, if the zemindar should prefer it, and in that case only, the Commissioner may authorise the receipt of the rents by the Deputy Collector, who in that case, however, must be aided by the Podars and Mohurirs of the zemindar, upon whom will rest the entire responsibility

* It will be recollected that in Mr. Larmour's case, at all events, it is distinctly stated that there is no question as to the rate of rent to be paid.

bility for the tale and genuineness of the money paid in, and who will retain possession of it on behalf of the zemindar, the receipts given to the ryots being jointly signed by one of the zemindar's servants and by the Deputy Collector or his Serishtadar.

7. If no difficulty should be experienced in persuading the ryots to pay their rents, it will then be a very important part of the duty to be discharged by the Commissioner, to obtain reliable information as to the motives which have induced the ryots to withhold payment of their rents until called upon in this manner to pay them. On this point the Governor General in Council thinks it probable that an officer having an intimate knowledge of the people and their language will not find much difficulty in satisfying himself.

8. If, on the other hand, the Commissioner should find that his appeal to the ryots is of no avail, and that they still continue to refuse payment of their rents, though assured that the discharge of their just liability for rent can in no way affect their freedom of action in regard to the cultivation of their holdings so long as they continue to occupy them, he should call upon the zemindar, or the zemindar's representative, to file suits on the spot against all the leading ryots of the defaulting villages, which suits should be at once taken up and tried by the Deputy Collectors, the decrees when given against the ryots being executed with the utmost despatch permitted by the law. The Commissioner's attention should be specially directed to the statements which have been made as to the difficulty of finding property to satisfy a decree when obtained, in order that he may adopt any measures that he may judge to be expedient, whether by means of the police force at his disposal or otherwise, to counteract the difficulty.

9. While the Commissioner's first and immediate care will be to bring about a settlement as to the matter of rent between the zemindars and their ryots (and the Governor General in Council is much inclined to believe that this will not be attended with serious difficulty, except where there may be a *bonâ fide* dispute as to the amount of the rent which is due), there are some general points on which it is very desirable that his attention should be carefully and constantly fixed, in order that he may be able to form a satisfactory judgment upon the statements which have been made regarding them.

10. It is, for instance, essential that the Government should possess more precise information than is at present before it as to the existence of any real combination to refuse payment of rents; the extent of such combination, if it exists, and especially whether it is directed against European zemindars alone, or has been used against native zemindars also; the objects of it, especially whether there is any foundation for the supposition of a design to drive Europeans out of the country, and in that case from what motives and feelings such a design has originated; and, lastly, the agency and means by which the combination is worked and kept alive.

11. Then it is also very desirable, and the more so if the existence of any extensive combination on the part of the ryots is established, that the Government should receive from the Commissioner an opinion, after careful inquiry, as to the practical effect of some of the provisions of Act X. of 1859, which are represented to have injuriously affected the position and influence of the zemindar, and particularly of that provision in Section XI. which has deprived the zemindar of the power so long possessed by him of summoning his ryots to his cutcherry, and if necessary of compelling their attendance there by force. This is a point to which the attention of the Commissioner should be specially addressed.

12. A further question which the Commissioner may be requested to consider is, that which was mentioned by Mr. Fergusson on Monday, namely, the supposed want of any law to prevent a combination which, though not being for any purpose unlawful in itself, may in its results be productive of great injury to those against whom it is directed. Such, for example, would be a combination to subject to social proscription all those who should take service under a European zemindar or indigo planter, with the view of deterring persons from entering such service. If this be not now punishable by law, the present state of things in Nuddea and Jessore may possibly afford ground for inquiring

whether it is not expedient to make it so. The Commissioner will be able to ascertain if combinations of the kind have actually prevailed, and if so, whether to such an extent as to call for the intervention of the Legislature for their suppression.

13. The Lieutenant Governor will not understand it to be the wish of the Governor General in Council that the officer to be specially deputed in the manner and for the purpose above described should in any degree supersede the local officers. Nothing of the kind is intended; but the circumstances of the case appear to the Governor General in Council to require the appointment of an officer who, uninterrupted by any other duties whatever, will be able to devote his whole time and attention to the adjustment of the differences existing between the landholders and their ryots, which it is impossible that either the Commissioner of the division or the district officers could do with a proper regard to the many functions which devolve upon them.

14. The Governor General in Council will be glad that, with the approval of the Lieutenant Governor, an acknowledgment by the Supreme Government of the assiduity, intelligence, and temper with which the officers in the indigo districts have discharged their duties be conveyed to them, especially to Mr. Lushington and Mr. Herschel.

From *W. Grey*, Esq., Secretary to the Government of India, Home Department, to *W. S. Seton-Karr*, Esq., Secretary to the Government of Bengal, (No. 486), dated 11 March 1861.

Sir,

I AM directed to forward the accompanying précis of what passed at the interview given by his Excellency the Governor General on Monday last to the deputation from the Indigo Planters' Association; and to request that the Honourable the Lieutenant Governor will be good enough to communicate to the Governor General in Council any observations which he may have to make upon it.

ON Monday the 4th instant, at 4-30 p.m., the Governor General received a deputation from the Indigo Planters' Association.

There were present with his Excellency, Sir Bartle Frere, Mr. Beadon and Mr. Laing, Members of the Governor General's Council, and the Secretary to Government in the Home Department.

The Honourable the Lieutenant Governor of Bengal, accompanied by Mr. E. H. Lushington, the Commissioner of the Nuddea Division, and by the magistrates of the three districts of Nuddea,* Jessore,† and Pubna,‡ was also present at the request of the Governor General.

* Mr. Herschel.
† Mr. Wigram.
‡ Mr. Bainbridge.

The following gentlemen attended on behalf of the Association :

Mr. George Brown, of the firm of Jardine, Skinner & Co.
Mr. A. Walker, of the firm of Gisborne & Co.
Mr. T. M. Robinson, of the firm of Thomas & Co.
Mr. Moran, of the firm of Moran & Co.
Mr. Scott.
Mr. Prestwich.
Mr. Larmour.
Mr. Mackenzie.
Mr. J. P. Wise; and
Mr. W. F. Fergusson, the Secretary of the Association.

The Governor General having requested Mr. Robinson to state the objects of the deputation, that gentleman referred to Mr. Fergusson, the secretary of the association.

Mr. Fergusson thereupon read the following Minute, as setting forth briefly the points which the deputation were desirous to urge upon the Government, and the measures to which they wished the Government to accede :—

“ The deputation from the Indigo Planters' Association who have sought this interview with your Lordship do not do so with any request that Government should assist them as indigo planters, or interfere in any way between them and the ryots as to indigo planting.

“ That

"That the fear has now, in most concerns in Lower Bengal, reached a stage beyond any help that the Government would give; but another and more serious question has arisen in the destruction of their property consequent on the refusal to pay rents, and the danger to life from the combination of the hundreds of thousands of natives against the few and scattered Europeans, and from the systematic and increasing hostility to which the few people and servants who have adhered to Europeans are exposed.

"It is here necessary for us to assert, in the broadest and most emphatic manner, that the published statements of Mr. E. Lushington, the Commissioner of the districts of Kishnaghur and Jessore, are incorrect.

"He is either ignorant of the actual state of the facts when he says that the ryots are everywhere willing to pay their rents, except where they are afraid of being coerced into undertaking indigo cultivation, or he has misrepresented the matter.

"We are willing to believe the former to be the case, and that he has been misled by the representations of Mr. Herschel, the Collector and Magistrate of Kishnaghur, and of parties interested in deceiving him.

"We assert, and are prepared to prove, that the refusal to pay rents to Europeans in Kishnaghur and Jessore is nearly universal, and quite independent of indigo. We believe that this, and the persecution of the people attached to the factories, is for the purpose of driving Europeans out of the Mofussil, and we have further to express our belief that, unless this combination is put down, our opponents will succeed in doing so.

"With a community banded against us, incited and encouraged by plunder (and seizing and holding land without paying rent to the proprietor is nothing less), it is an idle mockery to refer us to the ordinary courts of justice for redress. The most just and simple claim is contested and delayed by every means that the forms of law will allow. Perjury and forgery are unscrupulously used against us. If a decree is obtained and execution attempted, the purchasers of the property are marked and hunted down, and in short the laws are inoperative.

"We believe that the encouragement given by the officials of the Bengal Government to the repudiation of indigo engagements is the cause of this lamentable state of affairs; that the ignorant and credulous ryot, not able to distinguish between one liability and another, and finding himself, as if by authority, freed from his indigo engagements, is now trying how far he may go in the same direction with rent, and is rapidly progressing to the repudiation of all obligations.

"Some of the gentlemen here present will detail to your Lordship facts, which have come to their knowledge, in elucidation and support of these allegations.

"In such a state of affairs we feel warranted in asking that Special Commissioners, with extraordinary powers, be appointed in the districts where there is this disorganization.

"That such Commissioners shall have full powers to compel ryots to pay rents and to execute and carry out decrees; that they shall have powers to punish combination and conspiracy and maltreatment of factory servants; and that such Commissioners shall be appointed by and shall communicate directly with the Supreme Government."

When this paper had been read, Mr. Larmour was indicated by Mr. Fergusson as one of the gentlemen who would detail to the Governor General facts in support of the allegations contained in the above Minute.

Mr. Larmour then made a verbal statement to the following effect:—

He said that there was in the Mofussil a general refusal to pay rents. That the ryots alleged it to be the order of Government that rents should be received only through the courts; that he had given this mode of realizing his rents a trial in one of his concerns, the Bizoolie concern; that since September he had instituted 307 cases for 2,900 rupees; that he had gained decrees for 2,858 rupees, but had been able to recover up to the 27th of February only 1,089 rupees, while his actual outlay in instituting and carrying through the suits had been 1,200 rupees, thus leaving him 111 rupees actually out of pocket after six months' litigation.

He urged that it was practically impossible to recover rents under Act X. of 1859; that his arrears amounted to 1,25,000 rupees, and that he was literally without the means of recovering them; that even if he got decrees he could not recover the amount, owing to the determination of ryots to resist the payment of their rents; that no moveable property was forthcoming to satisfy the decree, and that no bids could be obtained for the defaulting ryot's jumma.

He then proceeded to state that he was unable to leave his own compound; that only last week when riding out on a road on which he had been accustomed to pass for the last eight years, he was stopped by two ryots and told to go back, as it was, they said, no road for him; that his Boona coolies were shamefully ill-used by the ryots, their huts and gardens being destroyed, and even their women sometimes beaten; that he and his assistants had not attempted to grow indigo, nor so much as mentioned it; that he had been perfectly quiet also about his rents, instituting no suits for their recovery, but that notwithstanding this it was obvious the ryots were determined not to let them live in peace; that false suits were brought against their servants; and that, in short, oppression of all sorts was practised, the object being to remove them from the country.

Mr. Lushington had come and endeavoured to get the ryots to pay their rents; they told him they would, but they did not; and then when he again called them up, they distinctly refused on the ground of an increase of rent having been made; but the

increase alluded to, Mr. Larmour said, had been made four years ago, while in his *izarahs* no increase at all had been made; all he (Mr. Larmour) demanded was eight annas a *beegah*, and still that moderate rent was refused; his rents, he repeated, had ceased to be collected; he could not go into court as he could get no decision under two months, or if the case was appealed under five, and this while his own engagements to the *zemindars* required monthly payments; repeats that there is a combination existing all over the districts to drive out Europeans, though he has never mentioned indigo, but simply asked for his rents.

To a question from the Governor General whether he had not said that he had reason to complain of danger to life, Mr. Larmour referred to his statement of the two men stopping him on the road and ordering him to go back; and he added that within the last two or three weeks fires had occurred, and servants had died off in a most extraordinary manner.

Mr. Larmour then read the following proposition which he had sent down to the Directors of the Bengal Indigo Commission to be laid before Government:—

“ I propose to deposit with Government 10,000 *l.*, or even 20,000 *l.* Government will send to me a Commissioner, say Montreassor, or Beaufort, or Lushington, or any other man who can speak the language, and knows what *ryots* are; he will bring in the *ryots* of each village, and make them then and there pay up the rents. I prove they were according to my collections of the past year. I will take into consideration the circumstances of any *ryot* who, from inability and not rascality, does not pay up in full.

“ Should the Commissioner upon inquiry find I have demanded in excess of what I have a right to, let him refund the sum two-fold or ten-fold, if he likes, from the 20,000 *l.* in his hands. From his order there shall be no appeal.

“ The Commissioner must have a force, say 50 *sowars*, to carry out his orders, should the *ryots* of any village refuse to pay; the troops to be stationed in the village until they do.

“ The Commissioner also to have powers to punish the ringleaders of the present conspiracy against rents.

“ My arrears of rents amount to, say in round numbers, 1,25,000 rupees.

“ Unless some immediate action is taken, I feel confident the country is lost, and to dribble on through courts of law in the present crisis is to put everything beyond redemption.”

(It was subsequently explained by Mr. Larmour that the precise nature of his proposition was this: that the Special Commissioner should order and enforce payment of the rents according to his (Mr. Larmour's) books of the previous year; that the *ryot* would then, after payment, be at liberty to challenge the correctness of the demand, and that if in any case the *ryot's* objection should be established, and the Special Commissioner should decide that he (Mr. Larmour) had demanded more than he was entitled to, it should be discretionary with the Commissioner, besides ordering a refund of the amount to the *ryot*, to impose any fine on Mr. Larmour that he might see fit, the *lac* or two *lacs* previously deposited with Government being available for this purpose.)

After reading this paper, Mr. Larmour again reiterated his conviction of the utter impracticability of realizing rents under Act X. of 1859, and strongly urged that some immediate action of Government beyond the law was absolutely necessary.

In answer to questions from the Governor General, Mr. Larmour stated that there was nothing peculiar to his part of the country; that he spoke of the whole district generally; that he knew of no estates much better off than his own; that Mr. Herschel had been misled into believing that Mr. Hills had succeeded in realizing his rents, as it was not so then; that lately indeed Mr. Hills had been pressing the matter, and he did not know what the result had been.

Mr. Larmour then cited cases of great delay in deciding rent suits. This he admitted might be remedied on application to Government by an addition to the number of Deputy Collectors, but he added that no number of Deputy Collectors would be of any use now that a Special Commissioner alone could deal with the present state of affairs, and prevent them from becoming worse.

To a question from the Governor General, Mr. Larmour stated that he strongly objected to the proposal contained in a recent petition to the Legislative Council, that the *ryots* should be allowed to pay their rents into the Collector's Court. This, he said, would be putting the landholders altogether on one side. Of what use, he asked, would be our landed property under such circumstances?

To a question from Sir Bartle Frere, Mr. Larmour said that he had nearly always received his claim in full when he got decrees for rent; always the full rent, the only deductions ever made having been on account of interest or expenses claimed.

To questions from the Governor General, Mr. Larmour said that the powers he proposed for the Special Commissioners were those referred to in the Minute read by Mr. Fergusson. They considered it necessary that these powers should be given, because, he said, the people from north to south believed that the Lieutenant Governor and Mr. Herschel want to root the Europeans out of the country, and without some special Act on the part of the Government to prove to the people the contrary, out we must go, otherwise, he added, I am perfectly certain our lives are not safe.

In reply to further questions from the Governor General, Mr. Larmour said that two of his servants had died suddenly; that the circumstances under which they died seemed to

him

him suspicious; that he could not mention any specific circumstances, as he did not see either of the men while they were ill; that one was perfectly well at 12 o'clock in the day, and died at six, and the other also died very suddenly; that both were important men on his establishment; one of them had been a leader of the ryots, and that he had taken him over into his service, thinking thereby to conciliate the ryots, but that on seeing this, they turned against the man, and he (Mr. Larmour) firmly believed the man was murdered in consequence.

To a question from Sir Bartle Frere, Mr. Larmour said that no inquiry was made into the death of the servants; that had he known of the deaths at the time they happened, he should certainly have sought inquiry.

A map of the district of Nuddea was then shown to Mr. Larmour, on which the Commissioner had marked in yellow those parts in which difficulties existed in collecting rents. Mr. Larmour said that the yellow colouring should be greatly extended, and should include even a large pergunnah to the south belonging to a native zemindar; between this man, however, and another native, he added, there was a great quarrel, which perhaps in that case caused the difficulty about rents. But in fact the only part which he thought really ought to be white, was a large tract of jungles, uncultivated and unpeopled. Jungle, he said, was still to be found even in what was generally supposed to be the highly cultivated district of Nuddea, where the indigo stopped. Mr. Larmour afterwards said, in reply to a question from Mr. Beadon, that the refusal to pay rents had extended to the properties of native zemindars.

To a question from Sir Bartle Frere, Mr. Larmour said that it was true that he should get his rents by the ryots giving them to the Collector, but he repeated that such a course would put the landholders altogether aside.

To a question from the Governor General, Mr. Larmour said that doubtless it would be an improvement on the proposal to require an extra payment from the ryots who chose to avail themselves of the option to pay to the Collector; and as a permanent amendment of Act X. of 1859, he strongly approved of the exaction of a penalty from ryots who should withhold their rents without cause, and force the zemindar to sue them.

To a question from Mr. Laing, Mr. Larmour said that it was of no use to eject a ryot, because they were all combined, and no one would be found to take his place.

To a question from the Governor General, Mr. Larmour urged that the combination was one only to be met by some special means; that there was no law which could meet the crisis. What is wanted, he said, is a summary order from an authority to the ryots to pay rent; now they don't care for any authority, not even for the Commissioner, and such a feeling never ought to be allowed to exist. If not checked, it must lead ultimately to bloodshed; immediate action within the next month is what is wanted; at present, all authority is set at naught.

To further questions from the Governor General, Mr. Larmour stated that attachment of the ryot's property at the time of filing the suit against him would be of little avail, as he would nevertheless find it easy to make away with all his personal property.

The power to fine a ryot, when a suit for rent is decreed against him, would be a very good amendment of Act X. of 1859, but the zemindars ought to have the power to summon the ryot, as no ryot (Mr. Larmour said) will pay his rent willingly.

Mr. Larmour repeated that he believed the late accounts from Mr. Hill's estates to have been just the same as from his own.

To a question from the Lieutenant Governor, Mr. Larmour said that the Special Commissioner must have a body of sowars, and that they should be quartered on any village that refused to pay when the Special Commissioner had ordered them to pay; then, he believed, the ryots would pay; the show of force would intimidate them.

Mr. T. M. Robinson then read the following letters and extracts of letters from Mr. Kenny, of the Salgamoodeah concern, in the district of Pubna, and other gentlemen.

EXTRACTS of Letters from Mr. *Thomas Kenny*, of the Salgamoodeah Factory, dated 22 February.

IN a former letter I mentioned that I had indicted the heads of the combination against me for conspiracy. They were found guilty upon the evidence of two talookdars and several respectable ryots. The deputy magistrate sentenced them to six months' imprisonment, but allowed them to remain at large on bail, pending the result of their appeal to the judge. Four days after the magistrate passed the above sentence, they ordered that the house of a man who had just taken the situation of judge ameen at Triboni factory should be plundered. It was accordingly done at mid-day, his wife much beaten, her bangles and other ornaments taken from her, and the jewel torn from her nose. The magistrate went to the ameen's house and was allowed to see the woman's bruised face and torn nostril. Eleven of the defendants have been sentenced to six months' imprisonment, but such punishment appears to have had no effect, unless it be that of making matters worse than they were, as the ryots laugh at such a light sentence in such a case.

The ameen is a member of the most respectable families in the neighbourhood, and his wife having been so abused, has made the remainder of my servants so much afraid of similar treatment that I find it very difficult to retain them in my employment.

A few days ago the gomashtah of Luckipore factory sent his servant for some milk to a village, of which he (the gomashtah) is proprietor. The ryots beat the boy, tied his

hands and feet, scattered some grain about, and sent notices to the thannah that an attack had been made upon their village by the factory people, a house plundered, &c. &c., and that they had arrested one of the attacking party. The police officer who came to investigate the matter, saw that it was too glaringly false a charge to be reported as true, and, besides, he heard that the magistrate was coming to investigate it himself, so he sent in a true report: the boy has been released, and the complainant summoned by the magistrate. This case occurred in the Kishnaghur district.

The Luckipore gomashtah has since left his situation, as the ryots threatened to beat him and plunder his house if he remained.

Three days ago one of my mohurirs was beaten, his pony taken from him, and himself confined in a ryot's house for some time. Mr. Ogilvie, becoming uneasy about the man, sent two of his burkundauzes to the darogah to report the matter, when, within three or four hundred yards of the thannah, the burkundauzes were attacked by a body of armed men, and severely beaten. The magistrate has seen their wounds, but the persons who beat them will not be punished as we cannot get witnesses.

There can be no doubt of the state of affairs here having been in a great measure caused by the moonsiff's having advised the ryots to repudiate the contracts, and sue for damages in his court, and in doing so he hit upon the most perfect scheme for ruining the concern that could possibly be devised. The object of the ryots ill-treating my servants is merely to deprive me of them, and render it impossible for me to defend those suits. They knew that the decrees already given by the moonsiff will be reversed in appeal, but the thousands of suits which they are about to institute must go by default, as I shall not be able to get witnesses, and in cases so decided there is no appeal.

* * * * *

I have just heard that my Tooleram gomashtah has left the factory, and that all the Luckipore servants have left also. There is no person in the latter factory now save a police peon and four burkundauzes of mine.

Dated 22 February
1861.

I wrote to you this morning. A few minutes after the despatch of my letter, one of my ryots came on with a deep cut in his head from a blow with a lattee, his offence being that he was on his way to the factory, with some of his friends who were about to take indigo advances. I sent him to the deputy magistrate, but nothing will come of it, as to-morrow or next day he will be afraid to prosecute, lest his family might be dishonoured, or his witnesses will not identify the defendants for the same reason. Is this not a fearful state of affairs? It may be said that I am to blame; if so, let the local authorities speak out. No servant of mine has been punished for any crime; scarcely an accusation of any kind has been made against them.

My head servant is at Dhurumpore, superintending those suits in the moonsiff's court. I have just been informed that there are about 20 men watching his movements, with the intention of waylaying him, perhaps murdering him. I could not go to Calcutta just now, as there would not be a single servant in the concern on my return.

* * * * *

During the last two days I have been trying to get palkee bearers to take me to Jessore, but not a man dare come. The sirdar who always supplied me with bearers says that some of his people who brought a native gentleman to see me a few days ago were fined 10 rupees each.

Dated 24 February
1861.

As to the general state of affairs here, the committees have it all their own way. They have now taken to burning down houses, and accusing my few remaining servants of having done so. Such cases can be carried on to any extent, and any number of witnesses produced to prove them. There are a dozen laltials watching my head servant, who is at the moonsiff's court, at Dhurumpore, and I much fear that they will severely injure, if not murder him. I have informed the deputy magistrate of it, but in the present state of affairs here he cannot assist me. Depend upon it that Mr. Larmour is right about there being more trouble this year than there was last season; time will tell.

The ryots don't care a bit about the authorities, and as to three or six months in gaol, they laugh at it. During the four days that Mr. Lushington was at Kooshteah, he advised my ryots to pay rents; they did pay about 4,000 rupees, and would have paid more, but one of the heads of the combination told them that Mr. Lushington was not a Commissioner at all, that he was one of the railway engineers, and that they were being humbugged by him; this they the more readily believed, as they had seen Mr. Reid here a few months previously. Mr. Lushington did all he could to get the ryots to pay their rents, but "the committees" are too powerful for even a Commissioner to contend against.

I have just heard that one of the servants of a neighbouring concern was severely beaten by the ryots; it is thought that he has been murdered, as he cannot be found. The report about the Suddonda gomashtah's case has made matters worse than they were. My servants go about "in fear and trembling," and I am obliged to give a couple of up-country burkundauzes to each, to protect his house.

Dated 26 February
1861.

In my last I referred to one of the servants of a neighbouring concern having been severely beaten, and taken away by the ryots.

The ryots of some of the villages near Jorudah factory assaulted one of the factory peons, within a short distance of the house. They knocked him down, and then caught him by the legs, and dragged him for about a quarter of a mile across the plain; the man, of course, became insensible, and in that state they put him into a large basket, and took him

him away. After a few days he was traced to the house of a man in the Sindoorree concern, and released by the police. He is said to be seriously injured, as he was fearfully beaten previous to being dragged across the plain.

About the same time the house of one of the ryots of the same concern who took indigo advances was attacked, and the man severely beaten, one of his arms broken, I believe. No doubt the parties who committed those outrages will be punished; but what a state of affairs to exist! and how long is it to last?

Should you publish the above, let it be as from a correspondent at Commercolly. Macnair does not like that anything of the kind occurring in his factories should be made public; but I think that every thing of the kind should become as widely known as possible. Macnair and Sheriff saw the man being dragged across the plain.

Some carters who were taking traps belonging to the military police were beaten by the ryots of one of my villages near here on the 24th. Although they had two of the police as guards, they were compelled to run away, and leave the carts on the high road; some of the sepoys' clothing, and pots and pans were made away with. The ryots state that one of the carters broke and took away a stalk of his sugar-cane; upwards of 80 men turned out, and would have beaten the guards also, but they called aloud for mercy.

Macnair's syce, when taking a letter from Jorudah to Kooashteah, was attacked, and beaten, and the letter taken from him. Thus, beating people on the highway is a new thing. Macnair and myself attribute it to the presence of Mobes Chunder Chatterjee in this part of the country; he came to his house at Doorgapore from Narail a few days ago.

EXTRACT of a Letter from Mr. *Alexander Stuart*, of the Nohatee Factory, dated
19 February 1861.

I AM sorry I cannot report any favourable change in the disposition of the ryots. I am pushing on rent cases against them vigorously, and am serving notices for enhancement of rents. I have been successful with my rent cases hitherto; and when I come to put the decrees in force, I think some of my friends will find themselves in a fix. I am pushing on neezabad in favourable situations, but have no prospects of being able to make any settlement with the ryots this year. They are still as determined in their opposition as ever, and will neither cultivate their lands, nor pay a farthing of rents until forced to do so.

EXTRACT of a Letter from Mr. *Macarthur*, of the Meergunge Factory, dated
20 February 1861.

No improvement in the ryots in this quarter of late, but on the contrary they are now refusing to pay rent; and some days ago the Amdanga ryots nearly murdered an ameen and a khullasy of that factory; indeed even since the Commissioner has come to the Jessore quarter, I observe a decided change to the worse in the ryots; and the ridiculous attempts being made by the Commissioners and magistrates to induce the ryots to pay rent, or act honestly, are treated by them with the most perfect contempt, and only result in our being left in a much worse position than if they had not interfered at all. I saw a Bengali letter, yesterday, from one of the Cossimpore sircars; and he stated that the Dacca Commissioner and the Furreedpore and another magistrate had been out all through their concern, for the last 10 days, trying their utmost to induce the ryots to come to some terms with Smith, but that they could do nothing.

I am greatly concerned to hear this, for it will, I fear, have a very bad effect upon our Furreedpore ryots, who have settled.

LETTER from Mr. *S. Hills*, of the Neechindpore Factory, dated 21 February 1861.

I HAVE not written to you for some time. My silence has arisen simply from having nothing of a favourable nature to communicate to you regarding the state of this district. The ryots at one time showed a disposition to pay their rents without our having recourse to the courts, and also to settle accounts with the factories; strange, however, and unaccountable, they became, from the time that Mr. Lushington passed through the district, less disposed either to pay rents, or to come to any settlement with the factories. Of course, I do not for a moment insinuate that he, directly or indirectly, gave them encouragement or bad counsel, though I would not say so much for his amlah; his conversation misleads; and I am quite certain every ryot he talked to retired with the conviction that his conduct hitherto had quite met Mr. Lushington's approval. The planters all met him on his tour, and parted with him under the impression that he would do all in his power to assist them; and his letter from Shikarpore, dated 28th December, surprised and disappointed every one. I doubt not you perused it. To refute his opinion, it is only necessary for me to remark that scarcely a village is paying its rents until legally forced to do

so; and his observation that the ryots refused to pay, merely from the fear of being called upon to take indigo advances, is answered by the fact that they refused to pay previous to September, when they had taken possession of all the planters' private indigo lands, and rode rampant at the time over the district. With the knowledge of this fact before him, it is difficult to explain how Mr. Lushington came to such a conclusion.

LETTER from Mr. *H. Jibbald*, of the Nundunpore Factory, dated 27 February 1861.

THE country is still in a very unsettled state; one great grievance is the destruction from cattle. The courts and pounds are too distant for the majority of the people, and the large ryot it over the small ones to a degree never known since the days of Surajdowla. There is an old saying—

“The farmer who would wish to thrive,
Must hold the plough himself, or drive;”

but in this district, at present, the head ryots have given up attending to their cultivation, and do nothing but hold conferences, or run about to Calcutta and the different courts and villages; and inasmuch as these men have thrown off all obligation to their landlords, so have their own ploughmen tried it on with them. The consequence is, there appears to be a general holiday throughout the country, and ploughing of the lands for rice, &c., is almost entirely neglected, which will lead to a disastrous result at the end of the season. Besides all this, an ill-feeling too, often amounting to hatred against everybody and everything, pervades all classes, and Government is in for a good share of detestation; and whereas during the mutiny (when the planters were full and flourishing) the Bengallis were loyal and civil towards the European to a degree, and these same men are now rebels at heart almost to a man. The taxes, or exaggerated reports connected with them, have had a good deal to do with this. The Deputy Collectors, who have come to take up our rent cases, are astonished at the nominal rents which we charge to the ryots. One item (gram) alone, five years since, sold here at this time of the year for from 11 annas to 13 annas per maund; the same is now selling at Rs. 2. 11.; and yet, with all this late gradually increasing prosperity, we made no additional rent-charges to the cultivators. In fact, Mr. Hills was formerly strongly opposed to interfering with the people in this way, and in no portion of the earth were people generally so well off as those living in the villages within the elaka of his different factories, and his ryots might very well deserve the term of “Mr. Grant's capitalists,” for they have lacs of rupees amongst them, which should have been in the pockets of the landlord.

Mr. Mackenzie, of Jingeratchee, in Jessore, stated that his experience was on a much smaller scale than Mr. Larmour's, but that he could fully confirm the main features of that gentleman's statement. He said that Mr. Lushington and the district officers had tried to persuade his ryots to pay their rents, but in vain. Some of the ryots said they could pay when they had sold their sugar. He, Mr. Mackenzie, had determined to sell his property for one-fifth of what it was worth a few months back.

Mr. Fergusson remarked, that Mr. Mackenzie had quite given up indigo, so that his case could have no connexion with that question.

In reply to a question from the Governor General, Mr. Mackenzie said that the ryots did not deny their obligations, but that they put him off, saying they would pay next month. He was of opinion there could be little use in allowing the attachment of property immediately on filing a suit; his servants would not dare to go into the villages to point out the property. He added that, in his case, there has been a wholesale forgery of receipts for rent, and that some of the forgers had been seized.

In answer to the Lieutenant Governor, Mr. Mackenzie said that he had commenced to institute suits, but that he should only institute them against those who can pay. He said that there was great difficulty in seizing crops, owing to the absence of means for identifying each ryot's cultivation.

Mr. Robinson then put in two other statements of claims for rent on the part of factories.

Mr. George Brown said briefly, that the reports of his manager from the Nursebuhye indigo concern enabled him fully to corroborate Mr. Larmour's statements. He mentioned that one of the gomashthas of that concern had recently been waylaid and barbarously treated by the ryots, some of whom had been convicted, but were sentenced only to six months' imprisonment. He added, that in the large estates of the Messrs. Watson, for which his firm were agents, they had given up the attempt to grow indigo; and, though they were not so badly off in those estates as was the case elsewhere, they could not but see with deep alarm the spirit which is now spreading among the ryots.

Mr. Walker said, that, as agent for extensive indigo concerns, he also could entirely confirm Mr. Larmour's statement. He cited, in particular, with regard to the nonpayment of rents, the case of Katchekatta; and he expressed his conviction that, unless special protection should be extended to the Europeans, they would be compelled to withdraw.

Mr. Fergusson brought to notice the absence of any law to punish combination; and Mr. Robinson explained, that the law was understood to be, that a conspiracy could only be punished when it was a conspiracy to do an act which was in itself unlawful; but that no combination, however injurious in its results to those against whom it was directed, could be dealt with under the existing law, if it did not involve the commission of acts in themselves illegal.

(No. 632 A.)

COPY forwarded to Mr. C. F. Montresor, Special Commissioner in the indigo districts, for information.

(No. 633 A.)

COPY forwarded to the Commissioner of the Nuddea Division for information.

By order of the Lieutenant Governor of Bengal,

W. S. Seton-Karr,
Secretary to the Government of Bengal.

Fort William, 19 March 1861.

From *W. S. Seton-Karr, Esq.*, Secretary to the Government of Bengal, to
C. F. Montresor, Esq. (No. 582 A.), dated 14 March 1861.

Sir,

I AM directed to forward to you a copy of a letter from the Government of India, No. 485, dated the 11th instant, and to state that, under the suggestion contained in the 4th paragraph thereof, the Lieutenant Governor has been pleased to appoint you to be a Special Commissioner for the purpose indicated. Your attention is specially directed to the object of your mission, which is fully and clearly explained in the letter enclosed.

2. You are hereby vested with the powers of a magistrate and Collector in the districts of Baraset, Jessore, Nuddea, and Pubna.

3. In anticipation of your departure, the Lieutenant Governor has ordered 40 sowars to assemble at Jessore, and to be under your orders; and you will find at the same place two companies of military police, who will be under your orders also.

4. The Commissioner of Nuddea has been requested to furnish an intelligent native officer to accompany your force. It will be his duty to see that supplies are regularly provided for the sowars and the police, and these supplies should be paid for in cash at the time of delivery.

5. You are requested to start on your mission with as little delay as practicable.

6. If you should require tents and cannot send them, the magistrates of Nuddea and Jessore will be requested to place them at your disposal.

(No. 583 A.)

COPY of the above, and of the letter from the Government of India, therein referred to, forwarded to the Commissioner of Nuddea for information and guidance, and for communication to the magistrates of Nuddea and Jessore, Messrs. Herschel and Wigram.

(No. 584 A.)

DITTO to the Commissioner of Rajshahye for ditto, and for communication to Mr. Bainbridge, the magistrate of Pubna.

(No. 585 A.)

COPY forwarded to the Officiating Inspector of Police Battalions for information.

(No. 586 A.)

COPY of the above, and of the letter from the Government of India, therein referred to, forwarded to the Board of Revenue for information.

From *W. Grey*, Esq., Secretary to the Government of India, Home Department, to *W. S. Seton-Karr*, Esq., Secretary to the Government of Bengal, (No. 522), dated 15 March 1861.

Sir,

I AM directed by the Governor General in Council, to forward in original, for the perusal of his Honour the Lieutenant Governor, two letters from Mr. Robinson, of the firm of Messrs. R. Thomas & Co., submitting communications from the Meergunge and Joradah factories, in the Jessore district. If the circumstances mentioned in these communications should lead the Lieutenant Governor to think it desirable to depute into the Jessore district a second Special Commissioner, on the footing described in my letter No. 485 of the 11th instant, I am instructed to state that the Governor General in Council will fully approve of the measure.

From *T. M. Robinson*, Esq. to *W. Grey*, Esq., Secretary to the Government of India, Home Department, dated 13 March 1861.

My Dear Sir,

ALLOW me to beg the favor of your giving the enclosed copy of a letter to the Governor General. The property to which it relates is one among many that will be placed in a position of peculiar danger should its ryots persevere in their determination not to pay rents any more. The owner, Mr. J. Beckwith, is in England, and his financial arrangements in this country for carrying on his factory only extend to its ordinary outlay, without any reference to such a contingency as Mr. McArthur describes to be imminent. Under these circumstances I am at a loss to see how the property can be preserved to Mr. Beckwith from sale for arrears of rent.

For rents due to Government I believe that time would be granted by the Lieutenant Governor of Bengal, but in the case of those due to zemindars no such relief could be obtained, and the execution of decrees of sale for rent could only be postponed by dishonourable law proceedings, to which of course the manager could not resort. As a last resource I can think only of the expedient of applying to Government for loans for limited periods, until the law can be so altered as to enable planters to collect their rents, and I shall feel very much obliged by your bringing this subject to the notice of His Excellency.

The properties of many resident planters must shortly be placed in similar peril, as it will be impossible for them to borrow money on the security, which has hitherto been current, of their title deeds.

From *C. McArthur*, Esq., Manager of the Meergunge Factory, to Messrs. *R. Thomas & Co.*, Calcutta, dated 7 March 1861.

Dear Sirs,

SINCE the date of my last letter to you I am sorry to have to represent that the ryots in this quarter have by no means improved in tone, but on the contrary it is now evident that the utter failure of the Dacca and Nuddea Commissioners to effect any settlement of our difficulties in this quarter has impressed the ryots with a conviction that there is no law or power in existence to compel them to fulfil any contract or pay rent, and the consequence is that numbers of the ryots who took advances not only refused to cultivate but even repudiate all rent paying. The Jessore collector has promised to send me a deputy collector to decree suits under Act X., but no one has as yet come, and I hear there are none to spare. With Act X. in force it is impossible for any planter or zemindar to save himself from ruin, as attempting to collect one's zemindary rents through court is, as a rule, perfectly ridiculous; and in fact the revenue officers admit it, for the Jessore collector passed orders upon the magistrate to summon the ryots to pay their rents. Upon my furnishing him with lists of the defaulters, however, I found this also practicably useless, for the magistrate, after getting in the ryots, could neither look into my claim nor compel payment of an anna of rent if the ryots refused to pay, so that the old rent law must again be brought into force before any change for the better can take place. I have secured the greater portion of the 1,000 maunds of dessy seed I sent for, and as the bazar is falling I can get more when necessary. I fear that, from the refusal on the part of the ryots to pay rent, and the heavy expenses we are put to in court in defending the factory

factory property, my drafts upon you will be greatly in excess of what I could have wished under our very unfavourable prospects. However, in a crisis such as the present, we must either defend the factory rights as far as practicable or have the concern shut altogether; but I shall not fail to use my best endeavours to keep down the expenses as far as practicable.

From *T. M. Robinson, Esq.*, to *W. Grey, Esq.*, Secretary to the Government of India, Home Department, dated 14 March 1861.

My Dear Sir,

I BEG to trouble you with another letter just received from a gentleman in Jessore, which I shall be much obliged if you will hand to the Governor General. You will observe that he describes his silk business as now being injured, and indigo sowings and rent collections as hopeless.

From *W. Sherriff, Esq.*, to Messrs. *R. Thomas & Co.*, Calcutta, dated Joradah, 11 March 1861.

Dear Sirs,

I BEG to enclose invoices for a small parcel of silk and chassum, also a small quantity of discoloured silk and chirra. I trust that the silk may meet with your approval and realize a good price. I regret the quantity sent is so small, but these disturbances in the district are putting an entire stop to the culture of silk in this part of the country.

I am sorry to say that, as regards indigo, matters are as bad as they can well be, with no signs of amendment. And, as regards the payment of rents, at no time since these disturbances commenced have they been so firmly withheld by the ryots, notwithstanding all that Mr. Lushington and Mr. Herschel have written to the contrary. I trust that the Supreme Government may be yet moved to do something for us ere it is too late.

From *T. M. Robinson, Esq.*, to *W. Grey, Esq.*, Secretary to the Government of India, Home Department, dated 15 March 1861.

My Dear Sir,

ALLOW me to trouble you with a copy of another letter from Kishnaghur, received this day, for the information of his Excellency the Governor General.

From *Hugh Sibbald, Esq.*, to Messrs. *Thomas & Co.*, Calcutta, dated Nundenpore, 12 March 1861.

Dear Sir,

SINCE my last I have nothing very favourable to state regarding the conduct of the ryots. Numbers of them are still in Calcutta; occasionally one or two of these return to the villages with grand reports of the favourable disposition of the Lieutenant Governor, and in this way the ryots are choused out of more money, which is readily subscribed. I believe this general union was a thing never before known in Bengal. In fact it was a common remark, which I have heard repeated hundreds of times, how remarkably disunited the people were; but now, whenever a European is concerned, if the ryots of one village make a lawsuit, commit a breach of the peace, or otherwise, those of the surrounding villages join in paying up the expenses. It matters not what the case may be, each man pays his anna or pice readily.

We have nearly completed the notices for serving on each ryot, according to section XIII. of Act X., and are busy in complaining for our rents to the deputy collectors.

From *W. S. Seton-Karr, Esq.*, Secretary to the Government of Bengal, to *E. H. Lushington, Esq.*, Commissioner of the Nuddea Division (No. 619 A.), dated 16 March 1861.

Sir,

I AM directed by the Lieutenant Governor of Bengal to transmit to you copies of two letters, one from Mr. Sheriff, of Joradah, and another from Mr. McArthur, of Meergunge, in Jessore, to the address of Messrs. R. Thomas & Co., Calcutta, as well as of a third from Mr. Sibbald, to the same address, representing the difficulties experienced by them in realising rents; and to request that, out of the staff of deputies now in the district of Jessore, as noted in the margin,

373.

c 2

you

Mr. T. Tweedie.
 „ John Bell.
 Baboo Radha Govind Doss.
 „ Kalee Chunder Banerjee.
 „ Esan Chunder Mujoomdar.
 „ Moheema Chunder Pal.

you will depute two officers to the two first places in question, for the purpose of trying suits.

2. More Deputy Collectors are being sent to Jessore, as far as qualified persons can be found, to be placed under the orders of Mr. Montresor.

(No. 620 A.)

From *W. S. Seton-Karr*, Esq., Secretary to the Government of Bengal, to
T. M. Robinson, Esq.

Sir,

Fort William 16 March 1861.

Judicial.

I AM directed to state that the letters from Mr. Sheriff, of Joradah, and Mr. McArthur, of Meergunge, dated the 11th and 7th instant, as well as one from Mr. Sibbald, of the 12th instant, have been laid before the Lieutenant Governor of Bengal, and that the Commissioner of Nuddea has been directed to send a Deputy Collector to each of the two places mentioned, for the trial of rent suits. More Deputy Collectors will be immediately sent to the districts of Jessore and Nuddea. Mr. Montresor, attended by several Deputy Collectors, has been appointed specially to visit the places where rents are in arrear, in order to assist in overcoming the existing difficulties.

2. I am directed to take this opportunity of suggesting to you that it may be well that managers in the Mofussil, where rents are in arrear, should be advised to lodge rent suits as quickly as possible. It does not appear from his letter whether Mr. Sheriff has attempted this course as yet. However anxious the Government is to render every assistance in its power to planters and zemindars, and however much the officers deputed may be willing to exert themselves, nothing of importance can be effected unless legal proceedings are instituted by the parties concerned, to such an extent as may be necessary to demonstrate to the ryots generally the folly of their conduct in not paying their rents. It is also very desirable that decrees, when obtained, should be followed up by instant process of execution. The person, as well as all the property, real and personal, of a defaulting ryot is liable to attachment. But unless the party to whom the rent is due takes legal action, himself, the officers of Government have no effective means of assisting him, if the ryots continue deaf to their advice.

I have, &c.

(signed) *W. S. Seton-Karr*,
Secretary to the Government of Bengal.

(No. 675 A.)

Judicial.

From *W. S. Seton-Karr*, Esq., Secretary to the Government of Bengal, to
G. G. Morris, Esq., C. S., Calcutta; dated Fort William, 23 March 1861.

Sir,

IN continuation of the copy of the letter from the Government of India, No. 485, of the 11th instant, which was forwarded to you yesterday, I am directed to state that the Lieutenant Governor has been pleased to appoint you to be a Special Commissioner for the purpose indicated. Your attention is specially directed to the object of your mission, which is fully and clearly explained in that letter.

2. You are hereby vested with the powers of a Magistrate and Collector in the districts of Jessore and Pubna, where you will for the present be employed. The Lieutenant Governor thinks you had better commence with the eastern and northern parts of Jessore, and then proceed to the south of the Pubna district.

3. Extract, paras. 3 to 6, of a letter addressed to Mr. Montresor on the 14th instant is forwarded for your information.

4. A staff of Deputy Collectors will be placed at your disposal.

I have, &c.

(signed) *W. S. Seton-Karr*,
Secretary to the Government of Bengal.

From *E. H. Lushington*, Esq., Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal (No. 28), dated 19 March 1861.

Sir,
I HAVE the honour to acknowledge the receipt of your letter, (No. 619 A.), dated 15th instant, with enclosures, and in reply to state, for the information of the Lieutenant Governor, that a Deputy Collector had been previously ordered to each one of the three places noted in the margin.

Nundunpore.
Meergunge.
Joradah.

(No. 745 A.)

COPY of this, and of the one to which it is a reply, forwarded to the Government of India, in the Home Department, with reference to Mr. Secretary Grey's letter, No. 522, dated 15th instant.

By order of the Lieutenant Governor of Bengal,

Fort William,
30 March 1861.

(signed) *H. Bell*,
Under Secretary to the Government of Bengal.

(No. 770 A.)

From *W. S. Seton-Karr*, Esq., Secretary to the Government of Bengal, to the Judicial Secretary to the Government of India, Home Department.

Sir,

Fort William, 3 April 1861.

I AM directed to acknowledge the receipt of your letters, Nos. 485 and 486, of the 11th ultimo, communicating the observations and orders of his Excellency the Governor General in Council, on the representations made by the late deputation from the Indigo Planters' Association to his Excellency, as well as giving cover to a precis of what passed on that occasion.

2. Immediately on receipt of your letters under acknowledgment, Mr. C. F. Montresor, one of the officers named by the planters themselves, and considered by the Lieutenant Governor to be eligible for the appointment, was appointed a Special Commissioner for the settlement of the rent difficulty in the indigo districts. Mr. Montresor lost no time in proceeding to Kishnaghur to enter upon the duties of his mission, as explained in your letter, No. 485, a copy of which was furnished to that officer for guidance. Mr. Montresor was authorised to organize a small establishment, such as he might deem indispensable to the performance of his duties.

3. Shortly afterwards, on receipt of your letter, No. 522, dated the 15th ultimo, the Lieutenant Governor appointed a second Special Commissioner for the districts of Jessore, Pubnah, and Furreedpore, in Mr. G. G. Morris, who has proceeded to commence work in the eastern part of Jessore.

4. An adequate number of Deputy Collectors, two of whom are Europeans, have been appointed under Mr. Montresor and Mr. Morris respectively, and the Lieutenant Governor will be prepared to give them any further aid they may require. Both have been requested to keep the Lieutenant Governor constantly informed of their proceedings, and of the result of their experience, and a report will be submitted hereafter, for the information of his Excellency in Council, in which the Lieutenant Governor will also submit his own observations as to the statements made by the planters before his Excellency.

I have, &c.
(signed) *W. S. Seton-Karr*,
Secretary to the Government of Bengal.

From *E. H. Lushington*, Esq., Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal (No. 14), dated 25 March 1861.

Sir,

THE Lieutenant Governor will doubtless recollect that, on the occasion of the deputation of indigo planters to his Excellency the Governor General, Mr. Larmour brought forward the delay in the disposal of suits under Act X. of 1859, as one of the great difficulties against which zemindars had to contend in the realization of rents under that law, and that he supported this assertion by a reference to some cases in the Sindoorree Concern, which had been instituted in January, the date of hearing of which had been fixed for the 10th April. This statement was more than once repeated by Mr. Larmour, evidently with the intention of making it generally understood that the cases were then pending.

2. Immediately on Mr. Wigram's return to Jessore, the matter was closely investigated, and I have now the honour to submit a copy of that officer's letter and Mr. Falcon's on the subject.

3. The above letters show that Mr. Falcon had indeed most irregularly, and contrary to all instructions, fixed the dates as described by Mr. Larmour, but that in the interim, a Deputy Collector had arrived in that neighbourhood and had disposed of the whole of the cases by the 22d February, or nine days previous to the date of Mr. Larmour's statement, "except a very few retained for special purposes."

4. The details are given in the statement attached to Mr. Falcon's letter.

5. I beg to notice in conclusion that the Sindoorree Concern is under the general superintendence of Mr. Larmour, and that from the tenor of Mr. Wigram's 5th paragraph, Mr. Larmour was aware of those cases having been decided when he was addressing his Excellency in the language referred to in my 1st paragraph.

From *R. J. Wigram*, Esq., Officiating Collector of Jessore, to the Commissioner of the Nuddea Division (No. 49), dated 18 March 1861.

Sir,

I HAVE the honour to forward, for your consideration, copy of a report from Mr. Falcon, Deputy Collector of Jhenidah, which I called for immediately on my return from Calcutta, regarding Mr. Larmour's assertion that cases under Act X. of 1859, instituted in Mr. Falcon's court on the 20th January, had been fixed for hearing so late as the 10th April.

2. After the repeated and careful instructions I had given on the subject of the speedy disposal of these cases, calling for an explanation of every case pending more than a month, and showing how cases generally might be disposed of finally within 15 days, I could scarcely believe that Mr. Larmour's statement could be correct, and regret to find Mr. Falcon confirming it.

3. It appears to me that Mr. Falcon has committed a serious error of judgment. If from press of other work, he really found it impossible to carry on the work according to my instructions, I submit that it was clearly his duty to have reported his difficulty to me for orders, and not on his own judgment to act in direct opposition to those instructions; and indeed to the law itself, as he appears to have done, in omitting to fix any date at all for some cases.

4. It is gratifying, however, to ascertain that practically no inconvenience arose from Mr. Falcon's error, for I was enabled to depute Baboo Radhagobin Dass to Sindoorree early in February, the cases were made over to him, fresh dates fixed for hearing, and the whole of the cases, except a very few, retained for special reasons, finally disposed of by the 22d February.

5. It probably did not suit Mr. Larmour's purpose to mention this fact, although, as he admitted it to me in conversation the morning following the deputation to Government House, he must have been well aware of it at the time his assertion was made, and as his object apparently was to condemn the Act itself, and not the conduct of individual officers,

the

the fact of cases being finally disposed in one month, which he inferred were taken no notice of for three months, appears to make a great difference in the validity of his whole argument.

6. Baboo Radhagobind Dass has been working at these cases in a very creditable manner, and I learn from Mr. Meares, under date the 13th instant, that, since the beginning of February, 9,000 rupees have been paid in either to his tehsildars or through the court. That more has not been done, is simply owing to the fact that Mr. Meares is unable to institute suits fast enough to keep the baboo fully employed, 273 cases only having been instituted during that time. Mr. Meares, however, assures me that he shall be liable to institute cases faster in future, and I have advised Mr. Macnair, of Jorahoho, also to sue his ryots before the baboo; the two concerns combined will, I hope, be able to find full work for him, and institute cases as fast as we can dispose of them.

7. The instructions referred to in paragraph 2 were sent to you for approval by my dockets No. 5 of the 3d January, and No. 12 of the 24th idem, and I sent to each sub-divisional officers a copy of my letter to you, No. 20 of the 31st January, which appear to me sufficiently explicit. Mr. Falcon, however, can with truth plead, as an excuse for this mistake, the large quantity of criminal work, and I gladly testify that he, as well as all my subordinates, has of late given me satisfaction by prompt disposal of Act X. cases.

From *A. B. Falcon*, Esq., Deputy Collector of Jhenidah, to the Collector of Jessore
(No. 15), dated 13 March 1861.

Sir,

As required by you in your letter No. 65, dated the 8th instant, I have the honour to forward my explanation in regard to the statements made by Mr. Larmour, about the delay in my court, in the decision of Act X. cases.

2. As the criminal work in this Sub-division has always been, and still is, of itself almost heavier than I can cope with satisfactorily, I at first did not allow my mohurir to appoint more than one or two Act X. cases for every day, this being fully as much as I can possibly get through; that is, if they are contested.

3. And thus it came to pass, that when Mr. Meares began to institute cases at the rate of 20 to 30 a day, dates were actually written down in the book at the rate of two a day, up to the 10th of April, and still a considerable number remained without any date appointed for them at all.

4. It was just at this time that I received orders to attend examination in Jessore, and I went there with the full intention of personally urging upon you the absolute necessity of allowing me the assistance of a Deputy Collector.

5. While I was in Jessore, you appointed a Deputy Collector, who, however, did not arrive till the 9th February, on which date I made over to him 130 of Mr. Meares' cases.

6. Up to that date, no day whatever had been proposed for a large number of these cases, and in those appointed for March and April no summons had been issued, as it was obviously a farce appointing such distant dates, and the Deputy Collector (whom I had been anxiously expecting for more than a week) being on the spot, could of course decide them in two or three days.

7. Of those which remained on my file, instituted in January, the last was decided on the 11th of February, and of those made over to the Deputy Collector, the last was decided on the 22d of February, except 15, delayed till the 11th instant, pending an enquiry into Mojahem's claims, and two still undecided pending an enquiry regarding documents said to be forged.

8. Mr. Larmour's statement therefore is literally true; whence he derived his information I cannot say, possibly from what I may have said when I saw him at Bijolee on the 2nd February. I am perfectly certain, however, that I must at the same time have told him that a Deputy Collector was then daily expected to decide at once, and on the spot, these very cases.

9. However that may be, Mr. Larmour is in constant communication with Mr. Meares, and it is impossible that he can have been ignorant of the fact that at the very time he was making this statement, the cases had almost all of them been decided, and in all probability the money realised.

STATEMENT.

| Act X. Cases instituted on account of the Sindoorree Concern during the Month of January. | | Date nominally Appointed by me for their Hearing (as explained above). | Date of actual Decision either by me or the Deputy Collector. |
|--|---------------------|--|---|
| Date of Institution. | Number of Cases. | | |
| 2d. | 10 | * From Jan. 19th to 30th - - | February 5th. |
| 5th. | 13 | " " 30th to Feb. 13th - - | - ditto. |
| 10th. | 12 | " Feb. 14th to 22d - - | Ditto and 11th. |
| 16th. | 3 | " " 22d and 23d - - | February 16th. |
| 17th. | 2 | " " 23d to 25th - - | - ditto. |
| 18th. | 22 | " " 26th to March 11th | February 16th, 18th, and 19th. |
| 19th. | 10 | " March 12th to 16th - } | |
| 22d. | 42 | " " 18th to April 10th - } | February 18th, 19th, 20th, and 21st, except two still pending because the Deputy Collector has instituted an inquiry regarding forged documents. February 18th, 20th, 21st, and 26th, and several (15) on the 11th March (delayed by reason of Mojahem's appearing). |
| " | 7 | No date - - - - - | |
| 23d. | 35 | Ditto - - - - - | |
| 24th. | 10 | Ditto - - - - - | February 18th, 19th, 20th, 21st, and 22d. |

* Mr. Meares' were, of course, not the only cases on my file.

(No. 749 A.)

Judicial.

From *W. S. Seton-Karr*, Esq., Secretary to the Government of Bengal, to the
Commissioner of the Nuddea Division.

Sir,

Fort William, 2 April 1861.

I AM directed to acknowledge the receipt of your letter (No. 14), dated the 25th ultimo, submitting an explanation from the officer in charge of the Jenidah sub-division, in regard to the statement made by Mr. Larmour, on the occasion of the late deputation of the indigo planters to his Excellency the Governor General, relative to certain cases under Act X. of 1859, filed in the Jenidah sub-division.

2. In reply, I am desired to observe, that after the unremitting endeavours of Government and of yourself, which have now been persisted in for a considerable time, to afford an adequate number of local courts for the speedy disposal of rent suits, wherever such suits are actually filed, and to stimulate the officers concerned to such prompt action as would ensure a prompt remedy to all such claimants of lawful rents in arrear as choose to submit their cases to the law, it would have been very distressing to find that these endeavours had in any instance been really so unsuccessful as it was feared, from Mr. Larmour's incomplete statement, that they must have been in Mr. Falcon's sub-division. The explanation now afforded is quite satisfactory, in respect to the actual working of the law, and the attention successfully given to the subject by Mr. Wigram and yourself. Mr. Falcon's error was remedied before it had done harm; and, in fact, the cases instanced as evidence of dilatory procedure had been determined with reasonable despatch before the complaint was made.

3. Any misunderstanding regarding the actual working of Act X. is to be regretted, and should be corrected as generally as possible, lest it should discourage that recourse to law which is the only remedy to which a claimant of rents in arrear has it in his power to resort.

I have, &c.

(signed) *W. S. Seton-Karr*,
Secretary to the Government of Bengal.

(No. 750 A.)

From *W. S. Seton-Karr*, Esq., Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department.

Sir,

Fort William, 2 April 1861.

I AM directed to forward, for submission to his Excellency the Governor Judicial General in Council, the accompanying copy of a letter (No. 14), dated the 25th ultimo, giving cover to communications from the Collector of Jessore and the officer in charge of the Jenidah sub-division, in explanation of the statement made by Mr. Larmour, on the occasion of the late deputation of the indigo planters to his Excellency, as to the delay in the trial of certain cases under Act X. of 1859, together with copy of a reply this day given to Mr. Lushington.

2. The particular attention of his Excellency in Council is solicited to this case, as showing the untenable grounds on which the existing law and practice have been impugned before his Excellency.

I have, &c.
(signed) *W. S. Seton-Karr*,
Secretary to the Government of Bengal.

From *W. J. Fergusson*, Esq., Secretary, Indigo Planters' Association, to *W. S. Seton-Karr*, Esq., Secretary to the Government of Bengal, dated 14 March 1861.

Sir,

THE committee of the Indigo Planters' Association have deemed it necessary to make inquiries with reference to the 23d, 24th, 25th, and 26th paragraphs of Mr. Commissioner Lushington's letter No. 2 of 19th February, to your address, and I have now to submit to you the following remarks on the matter contained in these paragraphs :—

To the statements contained in paragraphs 23, 24, and 25, that the English merchants at Kotchandpore make loans to the native merchants in the town, and that from it, the greatest sugar mart and bazar in the whole country, they dispatch numerous hackeries to Kissengunge on the river, a few miles distant, and that the loans are repaid by the native merchants from the sales of sugar, and that the hackeries reach their destination, I have no objection to make; but I would solicit the particular attention of the Lieutenant Governor to the fact, which I state on the authority of the English merchants residing there, that in no instance do they advance to the ryot for the cultivation or production of sugar, and that consequently there is not the slightest ground for comparison between the loan from the English merchant to the native merchant, which is settled within a short time, and is in fact a banking transaction, and the advance by the planter to the ryot to cultivate and deliver indigo plant, for the manufacture of which he has to keep up large works and an expensive establishment.

As well might it be said that because a merchant gets back an advance he has made to the seller of sugar or other produce in Calcutta, and is enabled to get hackeries to take it to the wharf, therefore the Government need not employ highly paid officials as salt agents, and a host of deputies, darogahs, peons, and an immense chowkeelaree establishment, but should trust to the good faith of the molunghees to bring in, of their own free will, the salt for the manufacture of which they have received advances from Government.

The association feel aggrieved that Mr. Lushington should be employed as Commissioner in these disturbed districts, for the *animus* shown by him against indigo planters is manifest on this and every occasion, and he is either ignorant of the most ordinary and common transactions of life in this country, or he distorts every thing to meet the particular views he has adopted.

(No. 751 A.)

FROM *W. S. Seton-Karr, Esq.*, Secretary to the Government of Bengal, to the
Secretary to the Indigo Planters' Association.

Sir,

Fort William, 2 April 1861.

Judicial.

I AM directed to acknowledge the receipt of your letter dated the 14th instant, offering certain remarks on the statements contained in paragraphs 23, 24, 25, and 26 of the Commissioner Mr. Lushington's report, No. 2 of the 19th February last, on the present state of the relation between ryots and indigo planters in the districts of Nuddea and Jessore.

2. In reply, I am desired to state, that the Lieutenant Governor did not understand Mr. Lushington's remarks, in the passages noticed, as meaning to convey any impression, as to the actual course of business in the sugar trade at Kotchandpore, different from what is conveyed in your present letter. Neither did the Lieutenant Governor understand Mr. Lushington to mean it to be inferred that, in matter of fact, the business of purchasing and refining raw sugar is conducted on the same system as that on which the business of purchasing Indigo plant and manufacturing Indigo is conducted, but the contrary. It is true that Mr. Lushington has expressed an opinion which the Lieutenant Governor understands to be adverse to special laws of protection or coercion in any trade in this country, as in the rest of the world, and adverse to the theory of the necessity of possessing local influence or authority, in order to the successful and satisfactory conduct of any trade in this country, as in other countries; in support of which opinion, he instances the Kotchandpore sugar trade, conducted on ordinary trading principles by European enterprise. The Lieutenant Governor infers from your letter that the Committee of the Indigo Planters' Association differ in opinion from Mr. Lushington on this subject; but the Lieutenant Governor is at a loss to find any reasonable ground of offence, on their part, in Mr. Lushington's expression of his own opinion upon it.

3. In the last paragraph of your letter under acknowledgment you, by the authority of the Committee, adduce this argument or opinion of Mr. Lushington's as an instance of a general "animus" against Indigo planters, imputed by them, "on this and every occasion," to that gentleman. The Lieutenant Governor can trace no indication of any such animus on this occasion; and no other occasion is specified. Neither can he discover in Mr. Lushington's opinion or argument on this subject, be it right or wrong, any indication of ignorance of ordinary transactions in this country, or any distortion of things to meet his particular views. The Lieutenant Governor regrets to see unsupported imputations of this sort made against an officer in Mr. Lushington's position, by a body worthy of so much respect as the Committee of the Indigo Planters' Association.

4. Mr. Lushington has just returned from a tour through his division, in which he has been exerting himself to the utmost in endeavouring to afford all possible legitimate aid to Indigo planters, in the difficulty in which they are now involved, in some quarters, respecting rents; in which endeavours he has been successful in more than one instance. His general conduct of his duties in these excited times has just obtained for him the special and marked approval of His Excellency the Governor General in Council. And that the Committee, in their opinion of Mr. Lushington, have not the support of all planters practically thrown into official relations with that officer, by a residence in the interior, is proved by the fact that Mr. Lushington was one of three gentlemen named on a late occasion, in the presence of the gentlemen of the Committee, by Mr. Larmour, one of the best informed and most experienced planters in Bengal, and the manager of one of the largest Indigo concerns in the country, as officers in any one of whom he would have perfect confidence, if deputed with special powers as a Commissioner for enforcing the payment of rents due to planters by ryots.

5. The Lieutenant Governor is certainly assured that the Committee are quite mistaken in imagining that Mr. Lushington has any other wish than to do equal justice to all parties, and to afford every legitimate assistance to the important interest which is for the time in difficulty.

I have, &c.

(signed) *W. S. Seton-Karr,*
Secretary to the Government of Bengal.

From *P. Durand, Esq., Nischindipore*, to *W. S. Seton-Karr, Esq., Officiating Secretary to the Government of Bengal* (dated the 8th January 1861).

Sir,

MAY I be permitted, under the unusual distressing circumstances I find myself and property placed, to solicit that you will be pleased to lay before his Honor the Lieutenant Governor of Bengal the losses and injuries we are sustaining from the general combination of the whole of the native population, the extent of which his Honor cannot be aware of or form an opinion, having for ultimate object to ruin and expel us from this part of the country, pressing more heavily upon me to an advanced age and long residence, to testify which, I beg to enclose two permissions received at the time from Government, and also copies of letters addressed to the Commissioners of Nuddea and Rajshahye.

I would, in the first instance, beg to bring to his Honor's special attention that the majority of the ringleaders in those combinations are not or have been cultivators or contractors for indigo, who, to serve their own views and purposes only, use the real ones as their mere tools, and our grievances are still more aggravated in consequence of the judge of Jessore reversing or upsetting upon unimportant or trivial discrepancies, nearly all the orders passed by the official of Magoorah, thus paralysing his strenuous efforts and those of the subordinate police to check the unlawful and malicious acts of the ringleaders or abettors; the consequences are therefore that the inhabitants one and all have become more and more emboldened and fearless of the administrators of the law, openly avowing that, if in a village containing 400 or 500 male inhabitants, 10 or 15 are restrained or implicated in any case, there will still remain more than a sufficient number to carry out the object in view; and in a village close by, where thirty of the police battalions are quartered, the ringleaders of the combination in the same village have ploughed up parcels of lands sown with indigo in October, it being quite out of our power to oppose such wilful destruction, our only relief being to inform the joint magistrate.

My concern, though small and limited, happens to be divided in a corner of the sub-divisions of Magoorah and Commercolly, in consequence of which I am constantly subjected to endless troubles and expenses, that part in the Commercolly being as bad if not worse than the Magoorah side.

The ryots having, during the manufacturing time, caused the destruction of about a third of my indigo crops, as soon as the rivers commenced receding forcibly threw muskalye indiscriminately upon all our lands in pottahs or those held by virtue of decrees of either the civil courts or under Act IV., and the instigators seeing success secured without check from the police forcibly seized upon and compelled the ryots of villages established by me having Christian names to join the combination, setting my proprietary rights at defiance, and from the beginning of the year repudiated their rents, exercising besides all sort of practicable violence and threats towards the few servants that had not deserted our cause, and also in an out-factory towards the Boonooas coolies and families when proceeding to their daily work or bazars.

Having read in the papers that by his Honor's express direction that all cases under Act IV. of 1840 would be speedily disposed of, I instituted several cases under the said Act in the Magoorah Court for several hundreds of beegahs of my most valuable lands at the beginning of October, but having unfortunately been transferred to the special deputy magistrate, Mr. Tweedie, who, either to save himself undergoing the trouble and fatigue of a minute local investigation or suit personal convenience, struck the same from the files of his court; so an appeal has had to be resorted to, and before it is finally disposed of, after closing the opportunity of October sowings, it becomes more than probable that the chances of cultivation will equally be lost, and these as well as the best portion of lands in other villages will also remain uncultivated, as pending the final decision upon the few cases already instituted, I naturally hesitate instituting any more. In the meantime, the agents foreseeing no prospects of return, have refused advancing any more funds.

Nearly all orders from fouzdarree courts are issued upon the darogahs, who having hundreds of villages similarly in combination, and at long distance from one another, never fail to advance pretences or excuses for not attending promptly to calls of pressing nature; besides, they as well as the officials generally, depend

or look to village chowkedars for information within their respective beat, but these being forced to obey the commands of the villagers, are generally the first in concealing what takes place, and foremost in conniving with the rest.

The provoking tone of impertinence and insolence the people have of late adopted towards us is beyond description, though they have not deviated from their former submissive one towards their native landholders.

With the apparent view of relieving the established deputy collectors of a part of the mass of cases likely to be instituted for rents under Act X. of 1859, moonsiffs have been invested with the powers of deputy collectors; but I may take the liberty of stating that planters having no faith or confidence in that class of officials, particularly the present incumbent at Magoorah, have petitioned, that cases in which they may happen to be concerned should be decided by the European deputy collector.

As an evident proof that planters are thoroughly disheartened at the aspect of their future prospects, several managers of concerns foreseeing the utter impossibility under present circumstances of doing further justice to the properties heretofore entrusted to them, are relinquishing their charges to retire to their native land, and may cite those of two large concerns in Jessore, Hazrapore, and Baliacandy.

In concluding, I would earnestly beseech that his Honor would bestow the favour of calling Mr. Belli, the judge of Jessore, to account for contributing to increase the difficulties in which those combinations have thrown us into, instead of exercising every practicable means to alleviate the same, and also that the magistrate of Pubna be instructed to proceed to that part of the Commercolly sub-division in which my property is situated, and hold an investigation.

From *P. Durand, Esq.*, Nischindipore, to *H. M. Reid, Esq.*, Commissioner of the Rajshahy Division (dated 30 November 1860).

Sir,

I HAD the honour of addressing you on the 16th of August last, enclosing the copy of a letter I addressed to Mr. Bainbridge, the magistrate of Pubna, exposing the severe injury my indigo crop had sustained through the apparent connivance of the party of police stationed in the village of Jungul; and regret to have to state that ever since, owing to the marked indifference and inactivity of the administrative official of Commercolly, matters have grown worse, for I have by acts of violence and depredations been forcibly expelled from that part of the country in which I hold puttenee villages and hundreds of beegahs of indigo lands, and beg leave to annex the copy of a letter addressed on the 27th instant to Mr. Harris, beseeching at the same time that you will be pleased to direct proper inquiries being made and prompt redress afforded.

From *P. Durand, Esq.*, Nischindipore, to *G. L. Harris, Esq.*, Assistant Magistrate of Commercolly (dated 27 November 1860).

Sir,

IN addition to the acts of violence and depredation on the part of the villagers and chowdrees of Baliacandy leagued in combination against the whole illakas held by this factory in that corner of your jurisdiction already brought to your notice at different periods, though up to date, I regret to have to state, remaining without redress or check, I beg to inform you that last night part of the thatched offices of my small factory of Sudekally (or Burra Jungle), were set on fire by incendiaries and burned down, including a box containing the papers of that dheer, kubooles for land rent and contracts for sowing indigo; this deed must have been perpetrated by the surrounding villagers at the instigation of the whole of the chowdrees and principally of Madass and Obhoy Churrun (a defaulter in the murder case of Jungul), with the view to deprive the only two or three field servants who have as yet not deserted their work of the sole resting place they had towards that quarter, and am led to apprehend that after burning the remainder of the thatched huts they will commence pulling down the brick works and also take away the copper of the boiler, unless you order the idling jemadar presently at Jungul to take up his quarters on the factory ground, which in every respect would prove a more suitable and central place than jungle for a pharee.

From *P. Durand*, Esq., Nischindipore, to *E. H. Lushington*, Esq., Commissioner of the Nuddea Division (dated 21 December 1860).

Sir,

I HAD the honour to address you on the 22d of last month, pointing out the pernicious effects that had already resulted from an ishtear issued by the magistrate of Jessore in consequence of its meaning being interpreted by ryots to suit their own ways, and in a quite reverse way of what it was intended to make them understand, and, instead of tending to alleviate the trouble and loss I am daily experiencing, has contributed to aggravate matters, and deeply regret to have to state that after an incessant residence of thirty-five years on this spot, and at an age bordering sixty-five years, I and my family are threatened with utter ruin in consequence of the unlawful acts of the tenantry, apparently upheld by officials, who fail to take into earnest consideration the present unusual state of the country, leaving us at the entire mercy of the native population, never or seldom attempting to use or exercise the influence of their power to bring on reconciliation between both parties; and with the view to convince you of our increasing difficulties, I beg to annex the copies of two letters that I have just been compelled to address to Mr. Tayler, the joint magistrate of Magoorah, and nothing but perambulating the different parts of the country will secure confidence and afford the chances of promoting settlement in presence of the officials.

(No. 133 A.)

From *H. Bell*, Esq., Under Secretary to the Government of Bengal, to *P. Durand*, Esq., Nischindipore.

Sir,

Fort William, 15 January 1861.

I AM directed to acknowledge the receipt of your letter, dated the 8th instant, Judicial. representing the difficulties of your present position, owing, it is said, to combinations amongst the native population in your part of the country against yourself and indigo planters generally.

2. In reply, I am desired to observe, that it is impossible for the Government to act to any purpose upon merely general complaints of this nature. The Commissioner of Rajshahye has, however, as you desire, been requested to direct the magistrate of Pubna to proceed to your neighbourhood, in order to examine into and report on such specific and distinct complaints as you may have to make in support of your general complaint.

3. With regard to your complaint against the proceedings of the Judge of Jessore, I am desired to observe, that the orders of Mr. Belli, to which you object, are judicial decisions with which Government cannot interfere. But if you will specify the cases to which allusion is made in your letter, the Lieutenant Governor will request the Sudder Court to call for and examine them, to see if they are justly open to remarks such as you have made upon their general character.

I have, &c.

(signed) *H. Bell*,

Under Secretary to the Government of Bengal.

(No. 132 A.)

From *H. Bell*, Esq., Under Secretary to the Government of Bengal, to the Commissioner of the Rajshahye Division.

Sir,

Fort William, 15 January 1861.

I AM directed to forward to you the accompanying copy of a letter, dated the 8th instant, from Mr. P. Durand, of Nischindipore, complaining of the difficulties of his position, owing, it is alleged, to hostile combinations amongst the ryots of that part of the country in which his factories are situated; and to request that you will direct Mr. Bainbridge, the officiating magistrate of Pubna, to proceed to Mr. Durand's neighbourhood to examine into and report on such specific complaints as Mr. Durand may have to make in support of his general complaint.

I have, &c.

(signed) *H. Bell*,

Under Secretary to the Government of Bengal.

From *H. M. Reid, Esq.*, Commissioner of the Rajshahye Division, to the Secretary to the Government of Bengal (No. 11, dated the 23d March 1861).

Sir,

With reference to Mr. Under Secretary Bell's letter (No. 132 A.) of the 15th January last, relative to the complaint made by Mr. P. Durand, of Nischintapore Factory, of the existence of a hostile combination on the part of his ryots in the Pubnah district, I have the honour to submit, for the Lieutenant Governor's information, copy of a letter from the officiating magistrate of Pubnah, No. 305, of the 14th instant, and of its annexure, from the deputy magistrate of Comercolly, No. 52 of the 9th idem.

2. Mr. Bainbridge was prevented, owing to indisposition, from carrying out the orders of Government to proceed in person to the neighbourhood of Mr. Durand's factories, for the purpose of inquiring into the matters complained of by that gentleman, and he therefore confided the duty to Mr. Deputy Magistrate Reily, who has conducted it carefully, and in the manner contemplated by the Government in their letter under reply.

3. The specific charge, in support of which evidence has now been adduced on the part of Mr. Durand is, it will be observed, that the Chowdheries of Balliakandy have been instigating and intimidating the ryots of certain villages, which they claim to belong to themselves as zemindars, against paying up any rents to Mr. Durand and working for his factory; Mr. Durand having, as they assert, been formerly the farmer of the villages in question, but the zemindars denying that he now holds the farm, the term of his lease having, as they assert, expired. Mr. Durand asserts, on the other hand, that the villages are his own rightful property, and that the chowdheries have nothing whatever to do with them. Mr. Reily remarks, that if the evidence in support of Mr. Durand's complaint is to be implicitly believed, the latter must be considered in a manner made out; but that when the rest of the evidence comes under consideration, the state of the case is entirely altered, and he is of opinion, an opinion in which I concur, that the charges made cannot, under the circumstances explained by him, be properly entertained by the criminal authorities, until the question as who are the parties entitled to collect the current rents from the ryots shall have been definitely determined by a decision of the courts.

4. In regard to the demand for arrears of rent, advanced by Mr. Durand against the ryots, for the period during which he appears to have held undisputed possession of the villages, it will be seen that it is Mr. Durand's intention immediately to institute suits against them, under Act X. of 1859; and as these suits are expected to be many in number, Mr. Reily recommends, and Mr. Bainbridge supports the recommendation, that an additional deputy collector should be at once sent to the spot to dispose of them, as well as of any suits which may be instituted in the neighbouring concern of Balliakandy. I find from Mr. Bainbridge's 5th paragraph, that he has already addressed Government demi-officially on the subject. No deputy collector is available at Rajshahye for the duty, but there are three deputy collectors at Maldah, one of whom could easily be spared. I would suggest, therefore, that Deputy Collector Moulovee Oobeedoolah should be at once transferred from Maldah to Pubnah, and that he should be instructed to join direct from this station, immediately on the close of the examination, which is to commence on the 2d proximo. I have warned the deputy collector to be in readiness to join, immediately on receipt of orders to do so.

From *A. J. Bainbridge, Esq.*, Officiating Magistrate of Pubnah, to the Commissioner of the Rajshahye Division (No. 305), dated 14 March 1861.

Sir,

• In original.

In reply to your office memorandum, No. 63, dated 21st January 1861, with enclosures, I have the honour to forward Mr. Reily's Report* on the result of his inquiries.

2. I shall return the Record, with any suggestions which may strike me as expedient, after looking through it.

3. With reference to his 10th paragraph, I would recommend that an officer, with powers under Act X.; be deputed at once, for this and the adjoining concern of Balliakandy. Owing to unforeseen circumstances, I have no one immediately available, and am short-handed in the station.

A. Mr.

4. Mr. Goughgan is fully occupied with his examination; Wassifooddeen Khan is only convalescent; Moulsee Mahomed is in the district on settlement and shikarry duty; Ahmed Ally has not returned; Baboo Purno Chunder is in charge of Serajgunge; Modun Mohun Mojmoodar has a large file of Act X. cases, upwards of 350, at Comercielly; and Nobin Chander is still at Fumresdper, in the Delouree concern. I am anxious to recall the latter, as he is not fully employed, but violence has hitherto invariably followed the withdrawal of the judicial officer and detachment; and as there has been a partial fall of rain, and more is imminent, there appears to be risk in removing him at present; in any case some delay will be unavoidable.

5. No application for an officer has been made from Balliakandy to this office; but as I am not aware of the exact nature of that made to Government, and no officer has hitherto been sent, I have written demi-officially direct to Government, mentioning Mr. Reilly's recommendation, and detailing the manner in which all my subordinates are just now employed, so as to give them the option of acting before my regular application arrives.

6. Perhaps a deputy collector could be spared from Bauleah temporarily.

From H. M. Reilly, Esq., Deputy Magistrate, in charge of the Comercielly Sub-Division, to the Officiating Magistrate of Pubnah (No. 52), dated the 9th March 1861.

Sir,

In reply to your office memorandum, without number and date, directing me to carry out the orders contained in the letter noted per margin, I have the honour to submit the following report, and trust it will meet with your favourable consideration and approval.

No. 132 A, dated 5th January 1861, from H. Bell, esq., to the Commissioner of the Rajshahye Division.

2. On the 15th February last I wrote to Mr. Durand, and requested him to make any formal and specific complaint that he might wish examined into and reported on, relative to the general complaint contained in his letter, dated the 8th January, to the address of W. S. Seton-Karr, Esq., Officiating Secretary to the Government of Bengal.

3. Mr. Durand, junior, on the 23d February, presented a petition, charging the chowdheries of Balliakandy with instigating and intimidating the ryots of Victornuggur, Khas Sookna, Alfrednuggur, and Buro Jungul, and thereby preventing them from working for his father's factory and paying their rents.

4. In support of this charge he adduced the evidence of three tagadgans and an ameen, and attempted to prove that, since last Aughraun, the chowdheries had been at work instigating and intimidating the ryots of the above-mentioned villages, who had in consequence, for 20 days from the date of the institution of the charge, through fear and compulsion, completely thrown off their allegiance to Mr. Durand as zemindar, and placed themselves in the offensive, and threatened his servants with maltreatment if they dared to interfere with them, or attempted to cultivate the indigo lands alleged by Mr. Durand to appertain to the villages mentioned by him in the 3d paragraph of this report.

5. Accepting this evidence as trustworthy, the charge, as set forth by Mr. Durand, might be considered in a manner supported; but when the other independent evidence is taken into consideration, coupled with the defence set up by Madhub Chowdhery, the nature of the charge preferred is quite altered, and the dispute in existence relates more to a civil action than a criminal one.

6. The reason which leads me to make the above assertion is, that Madhub Chowdhery and the other chowdheries state, that the villages named by Mr. Durand, as Khas Sookna, Victornuggur and Alfrednuggur, are in reality Sookna, Ghoorgooria, and Khagooriah; that Mr. Durand held them in lease for a number of years, and increased the settlement of ryots during the period he held them in farm, and named the villages after his children, and that the lease of the villages lapsed in Assin last; that Mr. Durand also held Buro Jungul in farm, the lease of which however lapsed in Joist last, and that, in accordance to the wording of the lease, he and the other chowdheries have assumed possession of their respective property without violence or other illegal means, and are now in undisturbed possession. Mr. Durand, as apparent from the records of the case, has not been able to realize any rents from Buro Jungul since Joist last, and from Victornuggur, Khas Sookna, and Alfrednuggur, since Assin last, which circumstance looks very much as if he had lost possession of those villages entirely. If the chowdheries, in virtue of the terms of their alleged kubooleet, have a right to assume possession, after a given period, of their properties, the charge of instigation cannot stand, inasmuch as they have induced the ryots to pay them rents only after the period of the farm had lapsed. If, however, they have no right to the properties, and the properties belong legally to Mr. Durand, the chowdheries are decidedly in the wrong, and a criminal action might be entertained against them for instigation. Further, Mr. Durand ignores the existence of the farm in toto, and alleges that the different villages of Alfrednuggur, Victornuggur, Khas Sookna, and Buro Jungul, were settled on his khas lands. From these circumstances it is my opinion that, unless the right to possess the disputed property is first settled by the civil courts, it would be unwise and imprudent for the criminal court to interfere, except with a view to prevent a breach of the peace. I would therefore strongly recommend, under all the circumstances, that Mr. Durand be referred to the civil courts.

7. Before closing this Report I would remark, for your information, that the ryots of the village Jungul (the scene of the late disturbances, where the military police and Mr. Lingham were assaulted), are immensely in arrears with their rents, a quarter of their rents for 1266, B.S., are still due, together with the total amount of their dues for 1267. The ryots plead poverty as the cause for not paying up their rents, and were most anxious to make a commencement at once, and voluntarily offered to pay a six annas share of their dues there and then, and another instalment of four annas in the course of the next 10 days. But Mr. Durand refused to accede to their offer, and insisted on being paid the whole of the arrears for 1266, B.S., and three-fourths of their rents for 1267, B.S., simultaneously; on default of this demand, he said he would sue them under Act X. I tried to persuade Mr. Durand to receive whatever sums the ryots could pay, and give them time to pay the remainder. Seeing that Mr. Durand was determined not to give in, I advised the ryots to endeavour their utmost to pay up all their arrears. They promised me that, on the 15th day from that date, viz., the 23d February, they would pay their rents as demanded. From their behaviour and sincerity, I am induced to believe that these ryots will endeavour to pay all their arrears within the time that they have promised to do it. In this part of my jurisdiction the feeling of the ryots is divided; some of them are working for the factory, and in many respects have a mutual amicable understanding with each other. There are others again that will not even sell their ploughs for cash payments, much less take advances. I have conversed with the ryots here, and tried to conciliate them towards the factory, but I am sorry to say that their feeling of distrust in Mr. Durand is so predominant, that I fear all conciliation is out of the question for the present. Though this is my opinion and belief, I am not apprehensive of any open acts of violence either on the part of the ryots or Mr. Durand, the battle between them is, and will be, through the medium of the civil and revenue courts. The ryots will, I am persuaded, never take the offensive if violence is not resorted to by Mr. Durand, which, as I have already mentioned, I do not at present anticipate.

8. The papers connected with the charge are forwarded with this Report without any final orders having been passed. I have simply examined into and reported on the charge, without passing final orders, in conformity to the instructions contained in Mr. Under Secretary Bell's letter, No. 132 A.

9. If I may be allowed to offer my opinion with respect to the best mode to expedite the adjustment of matters in Mr. Durand's neighbourhood, I would suggest the deputation of an officer for three or four months, vested with Act X. powers, to afford redress to all parties in that neighbourhood, and to determine and settle a number of suits, which I see every possibility of arising, under that Act, between the chowdheries, the ryots, and Mr. Durand, relating to the existing dispute.

(No. 729 A.)

From *H. Bell*, Esq., Under Secretary to the Government of Bengal, to
P. Durand, Esq., Nischindpore.

Judicial.

No. 11, dated 23d
March 1861, with
enclosure.

Sir,

Fort William, 30 March 1861.

IN continuation of my letter, No. 133 A, dated the 15th January last, I am directed to forward to you the accompanying copy of a communication from the Commissioner of Rajshahye, reporting on the subject of your complaint of the existence of a hostile combination on the part of your ryots in the Pubna District.

2. The Lieutenant Governor observes, that the result of the inquiry instituted by the Deputy Magistrate, Mr. Reily, shows that the dispute in which you appear to be involved is in its nature one which must be determined in the civil courts, and that the circumstances do not seem to differ from those which ordinarily attend a disputed claim to any zemindaree interest in lands.

3. The magisterial authorities, I am desired to state, cannot interfere in such cases.

I have, &c.

(signed) *H. Bell*,

Under Secretary to the Government
of Bengal.

(No. 730 A.)

COPY forwarded to the Commissioner of Rajshahye, with reference to his letter No. 11, dated the 23d instant.

Fort William, 30 March 1861.

(signed) *H. Bell*,
Under Secretary to the Government
of Bengal.

Petition of *Purresh Narain Roy*, Zemindar of Pergunnahs Lushkerpore, &c., in Zillah Rajshahye, to the Honourable the Lieutenant Governor of Bengal, dated the 14th December 1860,

Respectfully sheweth,

THAT your petitioner believes himself to be one of the two zemindars alluded to in a letter, No. 6284, dated the 24th ultimo, from the Secretary to the Government of Bengal, to the Commissioner of the Rajshahye Division.

2. That the orders passed in the above letter affect your petitioner deeply, insomuch that therein direction is given to the local authorities to summon your petitioner before them, and keep him there until inquiry into certain matters is completed.

3. That your petitioner earnestly deprecates this order; and to show the extreme danger, personal and otherwise, in which it places him, and which he is not conscious of having deservedly incurred, he respectfully submits this representation for your Honor's consideration and orders.

4. Your petitioner attained his majority a few months back. He was therefore a member of the Ward's Institution in Calcutta, whence he proceeded to his home in Zillah Rajshahye, intending to reside there amidst his tenants, and manage his property himself.

5. Your Honor is no doubt aware that the firm of Messrs. Watson & Co. have extensive holdings in Zillah Rajshahye, which cover in fact a great part of the district.

6. The aforesaid Messrs. Watson & Co. had obtained leases of your petitioner's zemindary for terms of eight and five years respectively, during his minority, when the estate was under the management of the Court of Wards.

Taking advantage of their position as leaseholders of the entire estate, the aforesaid Messrs. Watson & Co. introduced the cultivation of the indigo into large portions of the zemindary.

7. The last lease of the aforesaid Messrs. Watson & Co. expired in Choit last, when your petitioner attained his majority. Since then they lay claim to about 50,000 or 60,000 beegahs of land situated in the zemindary as their neez jote.

8. Your petitioner being new to the affairs of his estate, and being inexperienced, could not accede to these claims without investigating them, and therefore asked the aforesaid Watson & Co. to produce any testimony they might have to show how they derived the right they claimed. No testimony was offered or produced.

9. Meanwhile, from circumstances well known to your Honor, the tenants on your petitioner's zemindary joined the rest of the ryot population in the indigo growing districts in their refusal to cultivate indigo.

10. In August last the joint magistrate of Zillah Rajshahye, Mr. Metcalfe, sent for your petitioner, and desired him to issue an order upon his tenants, directing them to cultivate indigo for the aforesaid Messrs. Watson & Co., and to give over to the latter the lands they claimed, threatening him at the same time with sundry pains and penalties which he, Mr. Metcalfe, could, by virtue of his office, inflict on your petitioner as the alternative of refusal.

11. Your petitioner felt alarmed, but firmly stated in reply to the magistrate, that he could not issue the order indicated, but felt it his duty to leave his tenants free agents, expressing at the same time his perfect willingness to see the ryots cultivate indigo if they would, as it mattered nothing to him what crops they cultivated as long as they paid their rents. As regards the lands, your petitioner said he could not dispense with the necessary proofs of title.

12. The magistrate of Rajshahye next sent to your petitioner a police darogah to desire him to attend at the residence of the magistrate, which he did immediately. Your petitioner there found the magistrate, with Messrs. Cockburn & Macleod, planters. The party was shortly after joined by Mr. Metcalfe, the joint magistrate.

13. At that place and time your petitioner was urged to make his ryots cultivate indigo for Messrs. Watson & Co., and to make over unto them the lands hereinbefore mentioned, measuring about 50,000 or 60,000 beegahs.

14. Your petitioner stated in reply, that, as to the lands, formal delivery would be made to Messrs. Watson & Co. of as much land as they can show a right to by any reliable evidence. As to the ryots, he had no power to compel them to sow indigo.

15. At this stage of the matter your petitioner seems to have incurred the gravest displeasure of the local authorities, for thenceforward their proceedings towards him became marked by great harshness.

16. One of the first acts of the joint magistrate after this was the almost unprecedented one of summoning your petitioner's mother through the darogah.

17. Not a formal complaint even, set aside any depositions on oath, had, as far as your petitioner is aware, been made upon which this unspeakably harsh order was passed. Your petitioner understands that the joint magistrate had been informed that your petitioner was entirely under his mother's control, and your petitioner believes that the order was issued with a view to the moral effect it would create upon him.

18. Your petitioner would here beg leave to observe, that during the several centuries the family now represented by your petitioner have been in possession of these zemindaries, they have never been subjected to the indignity of having a darogah of police sent to their residence in order to enforce the attendance before a court of law of any lady member thereof.

19. Your petitioner's mother did not appear, and the order was eventually not enforced.

20. Some days after this, the joint magistrate, attended by parties of military police, went to your petitioner's residence, ordered his instant attendance, threatened a forcible entry into the inner apartments in case of the slightest delay, and on your petitioner appearing before him, told him to accede without delay to Messrs. Watson & Co.'s wishes, and threatened to pursue him with further coercionary proceedings in case of refusal.

21. The joint magistrate thereafter personally proceeded to the indigo lands in your petitioner's zemindary, attended by parties of military police, and the servants of Messrs. Watson & Co., and caused large areas of land to be prepared for or sown with indigo seed.

21½. Large areas too, sown by your petitioner's tenants with kullye and other grains, were broken up under the personal directions of the joint magistrate, and various other acts in gross violation of the law and official decency were done by him for the sole purpose of compelling your petitioner's tenants to cultivate indigo for the said Messrs. Watson & Co.

22. Of these acts your petitioner will mention one as a specimen: 217 houses of ryots, settled upon a piece of newly reclaimed land, were broken down, in order to make room for indigo. This was done under the personal directions of the joint magistrate, who took a more active than legal or dignified part in the proceeding.

23. The

23. The joint magistrate has further, to the harassment of your petitioner, quartered bodies of military police in various parts of his zemindary, although there is not the slightest probability of any serious breaches of the peace. For these, as well as for others not located in your petitioner's estate, rations have been exacted.

24. Your petitioner is owner of about a quarter of the entire zemindary, the greater portion of the remainder being held in lease from his co-sharers by Messrs. Watson & Co. To the best of your petitioner's knowledge, Messrs. Watson & Co. have never been called upon to furnish supplies.

25. All these circumstances have been duly brought to the notice of the Commissioner, but unfortunately, as would appear, after the date of the Commissioner's letter on which your Honor's order of the 24th ultimo was passed.

26. Your petitioner observes, that he has been represented as being implicated in one or two cases of arson; your petitioner avers that neither he nor his tenants are in the slightest measure responsible for the occurrences which, he believes, have been brought about by the planters themselves, for an object easy to be imagined.

27. Your petitioner submits for consideration, whether there is much probability in the supposition that the ryots selected of all times the one in which the magistrate was encamped in the vicinity to set fire to the huts; and of all factory property, out-offices of trifling value, which could not communicate the fire to more valuable property.

28. Your petitioner himself has been most anxious, and is still exerting his best to discover the perpetrators of the deed, fully knowing that such discovery will enable him to confound his enemies in more ways than one.

29. To make such imputations impossible, and to avoid his name being mixed up with further criminal proceedings, was one of the objects your petitioner had in view in coming to Calcutta.

30. Your petitioner trusts that the above statement, every item of which he is prepared to verify and substantiate by unimpeachable evidence, in form and under sanctions prescribed by the law, will convince your Honor that he has been deeply aggrieved by the acts and representations of the local authorities, acts which have actually driven your petitioner away from his hereditary home and lands, representations which have led to the issue of such orders as are contained in Mr. Secretary Seton-Karr's letter above cited.

31. Your petitioner earnestly prays your Honor to consider the position in which the above letter casts him. In pursuance of it, he will have to appear before a magistrate whose displeasure he has incurred, have most probably restraints imposed on his personal liberty, be exposed to menaces and solicitations and fresh accusations, and all this danger he will incur without experience in himself or efficient aid or advice from others to meet it.

32. Your petitioner, in conclusion, prays, that inquiry be directed into the matter of this his representation, and that in the meanwhile the order for summoning him personally before, and detaining him in the Fouzdaree Court of Zillah Rajshahye, be directed to be held in abeyance.

And your petitioner, as in duty bound, shall ever pray.

(No. 6734.—Judicial.)

Fort William, 19 December 1860.

Read, a petition, dated the 14th instant, from Puresh Narain Roy, zemindar of pergunnahs Luskerpore, &c., in zillah Rajshahye, protesting against the orders issued to the Commissioner of the division, whereby the local authorities are authorized to summon him to attend the court, and keep him there until inquiry into certain allegations brought against him is completed.

Ordered, that the petitioner be informed that he cannot be subjected to any proceedings by the joint magistrate not warranted by law under the circum-

stances of the case ; that if he is innocent, his best course is to return to his own district, submitting himself properly to all lawful orders, and that the Commissioner has been requested to forward a report on the several complaints made in his petition.

(signed) *H. Bell,*
Under Secretary to the Government of Bengal.

From *W. S. Seton-Karr, Esq.*, Secretary to the Government of Bengal, to the Commissioner of the Rajshahye Division (No. 6735, dated 19 December 1860).

Sir,

I AM directed to forward to you, in original, the accompanying petition from *Purresh Narain Roy*, zemindar of pergunnahs *Lushkerpore*, &c., in zillah *Rajshahye*, declaring his innocence in the case of arson, reported in your letter (No. 1627) of the 19th ultimo, and to request that you will submit, for the information of the Lieutenant Governor, a report on this petition, point by point.

2. A copy of the reply made to the petitioner, in reply to his petition, is also annexed.

From *H. M. Reid, Esq.*, Commissioner of the Rajshahye Division, to the Secretary to the Government of Bengal (No. 5 A., dated the 22d February 1861).

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 6735, dated the 19th December last, with its enclosed resolutions, No. 6734, of the same date, and original petition presented to Government by *Rajah Puresh Narain Roy*, of *Pooteah*, and, with reference thereto, I have the honour to submit copies of letters as per margin from the officiating joint magistrate and the officiating magistrate of *Rajshahye*, and to make, for the information of his Honor the Lieutenant Governor, the following observations on the several points of complaint embraced in the petition. The different headings of the petition have been divided off by the joint magistrate into separate paragraphs, and have been numbered by him, and marked in pencil, and, in remarking on them, I propose taking up the paragraphs consecutively, according to the division made of them by *Mr. Metcalfe*.

Copy of a letter, No. 5, dated the 12th January, from the officiating joint magistrate of *Rajshahye*.
Copy of a letter from the officiating magistrate of *Rajshahye*, No. 23, dated the 26th idem.

Paragraphs 1 to 8 of petition.

2. These paragraphs require to be only briefly alluded to. The petitioner was one of the two *Pooteah* Rajahs referred to in the correspondence mentioned by him, and the fact of the Messrs. *Watson* having held his share of *Pergunnah Lushkerpore* in lease, for a period of 13 years altogether, during the minority, is correct. Whether or not, they took advantage of their lease to acquire *neejjote* holdings in their own favour, I am not aware, nor am I aware of the measures taken by the petitioner, except in as far as they are detailed in the petition, and in the officiating magistrate's letter, for ascertaining the extent of the holdings, and the title under which they were held. Messrs. *Watson & Co.*, no doubt, took advantage of their position of farmers, to increase their indigo cultivation in the leased tract ; but I understand that they had indigo cultivation in the tract in question previous to their acquisition of the farms during petitioner's minority.

Paragraph 9 of the petition.

Paragraph 10 of the petition.

3. Paragraph 9 calls for no particular remarks.

4. The explanation of this paragraph is given by the officiating joint magistrate, and is in my opinion satisfactory. Several of the petitioner's ryots came and petitioned the joint magistrate against indigo oppression. From their depositions, there seemed good ground for concluding that they had been instigated to do so by the petitioner, who was thereupon called upon by *Mr. Metcalfe* to enter into his recognizance to keep the peace, which the joint magistrate feared might be broken, if the prevailing strong excitement continued. The petitioner solicited a private interview with the joint magistrate, which was granted, the result of it being that, at *Mr. Metcalfe's* suggestion, the petitioner promised (but did not keep his promise) that he would tell the ryots that he would not interfere to prevent them from sowing indigo if they wished to do so.

The

The sudder ameen of Rajshahye was present at the interview, and Mr. Metcalfe emphatically denies his having threatened the petitioner with pains and penalties, should he refuse to order the ryots to cultivate indigo, and should he fail to give over to Watson & Co. the lands claimed by them as neejjote.

5. As Mr. Metcalfe has emphatically denied having desired the petitioner to issue an order on his tenants of the kind indicated, it is unnecessary to make any remarks on this paragraph of the petition. Paragraph 11 of the petition.

6. The officiating magistrate explains, that he sent Tarinee Churn Roy, a first grade darogah, and a friend of the petitioner, to invite the latter to come to his private house, with a view to his endeavouring to effect a settlement of the pending differences between petitioner and the Messrs. Watson, and that the transmission of the message through the darogah was not intended, nor could it be construed, to put any indignity on the petitioner; nor does it appear to have been looked upon in such a light by the petitioner at the time, for he at once attended on Mr. Taylor, and does not appear, from that gentleman's account of what took place at the interview, to have complained to him of any indignity having been put upon him. Paragraph 12 of the petition.

7. The officiating magistrate denies that he ever urged the petitioner to make his ryots cultivate indigo for Messrs. Watson & Co., or that he urged the petitioner to make over the neejjote lands (already referred to) to those gentlemen; and I infer from what occurred at the meeting (*vide* Mr. Taylor's 7th and 8th paragraphs), that neither did the magistrate himself so urge him, nor was he so urged, within Mr. Taylor's knowledge or hearing, either by the joint magistrate, or by either of the representatives of Messrs. Watson's firm, who were present. Paragraphs 13 and 14 of the petition.

8. The officiating joint magistrate explains, that he sent a message to the petitioner's mother, through the police darogah, saying, that if she should come into the station, he had no doubt that the disputes between herself, the petitioner her son, and the Messrs. Watson, would be amicably adjusted; no force was ever intended, or attempted to be used to induce her to come in, and it will be seen from the copy* of the English note addressed by Mr. Metcalfe to the darogah, that persuasion was to be used to induce her to come in, and it would never appear to have been contemplated, that she was to attend, except with her own free will. Paragraphs 15 to 18 of the petition.

* "Darogah.

"I made a mistake. I do not want the Be matah, but the mother of the young Rajah." Try and persuade her to come in. I also want Koylas Chunder and Isen Chunder Sandeal.

"Use persuasion to bring them to me.

(signed) "C. T. Metcalfe."

9. Mr. Metcalfe denies having threatened to make a forcible entrance into the petitioner's inner apartments, or that he threatened other coercionary measures in the event of the petitioner failing to appear immediately on the occasion referred to. The real facts of the case, as already elicited by me on presentation of a petition from the petitioner on the subject, and on a call for an explanation from the joint magistrate being thereon made, appear to be, that the supplies which the petitioner and his co-sharers had for some time previously been furnishing daily to the detachment of Behar Light Horse, which was on duty near Pooteah, were one day suddenly stopped. As the men and horses had been without food for several hours, and as it was impracticable to procure the supplies elsewhere in the neighbourhood, the joint magistrate, after several applications had been made, but without effect, to the petitioner and his co-sharers to furnish the supplies, rode up in company with Captain Davis to the Rajbaree, and requested an interview with the petitioner, who thereupon came forward and gave the necessary directions for furnishing the supplies. Both Captain Davis and Mr. Metcalfe deny any threats having been used. Paragraph 20 of the petition.

10. The averments made in paragraphs 21, 21½, and 22 are fully answered by the joint magistrate, whose explanation of them is considered by me to be entirely satisfactory. The suits which were brought under inquiry regarding the possession of certain lands between the petitioner and the Messrs. Watson were duly inquired into and disposed of by the joint magistrate under the provisions of Act IV. of 1840, and in one of those cases, in which certain ryots had, in the course of a single night, erected upwards of 200 huts on a large tract of land laid claim to by the petitioner, it was ascertained, on inquiry, and decided that the land had for several years previously been in the undisturbed possession of Messrs. Watson & Co. The huts were consequently removed by the joint magistrate's orders, which were duly affirmed in appeal by the sessions judge. Paragraphs 21, 21½, and 22 of the petition.

What the indecorous and illegal acts were, which were committed by the joint magistrate on this occasion, the petition does not specify, but Mr. Metcalfe denies that there is any foundation for the allegation.

Paragraphs 23, 24, and 25 of the petition.

11. It was considered by me necessary to post parties of military police in the vicinity of the disputed tracts, and the petitioner and his co-sharers, as zemindars of the locality, were called upon, in conjunction with other zemindars, by the district authorities to furnish supplies. It was subsequently brought to my notice that Messrs. Watson & Co., though holding zemindary interests in the neighbourhood, had not been called upon to contribute, and I found, on referring to the collector, that they had not been formally called upon to do so, because, owing to the unsettled position of affairs, they were considered by that officer to be unable to meet the call in the event of its being made upon them. I thereupon pointed out to the collector that the call should at any rate have been made; and if Messrs. Watson & Co. urged any objections, the collector might then have considered and disposed of them. Subsequently to this, some portion of the necessary supplies were called for and furnished by Messrs. Watson & Co.

Paragraph 25 of the petition.

12. Such of the preceding matters as have been brought to the Commissioner's notice by petitioner have been duly inquired into, and have had such orders passed upon them as they severally seemed to require.

Paragraphs 26 to 29 of the petition.

13. With reference to paragraphs 26 to 29 of the petition, I have the honour to state, that the grave imputation to which the petitioner has given expression, to the effect that the burning of the Peergunge Factory, was brought about by the planters themselves, appears to me to be unworthy of a moment's consideration.

Paragraphs 30 to 32 of the petition.

14. The remaining paragraphs of the petition call for no particular remark, except that (in respect to paragraph 30), the officiating joint magistrate has stated his readiness and ability, if necessary, to rebut every charge which has been brought against him by the petitioner.

15. On reviewing the petition, I am of opinion that the only point on which the proceedings of the local officers may be considered to have been open to any question was their having been drawn into taking a part in the attempted compromise between the petitioner, the petitioner's mother, and the Messrs. Watson; but I am aware that they did what was done by them in the matter with the very best of intentions, and with the main object of preserving the peace of the district, and at the same time of securing, as far as possible, the interests of the several parties concerned.

16. The original petition received with your letter under reply is herewith returned.

From C. T. Metcalfe, Esq., Officiating Joint Magistrate of Rajshahye, to the Officiating Magistrate of Rajshahye (No. 5, dated the 12th January 1861).

Sir,

I HAVE the honour to forward to you my counter-statements, point by point, on such parts of the petition presented by one Puresh Narain Roy, of Lushkorpore, to his Honor the Lieutenant-Governor, as apply to myself.

I have taken the liberty to mark in pencil, for easier reference, the paragraphs in the original statement.

The first complaint in reference to myself appears in paragraph No. 10.

Para. 10. In August last the joint magistrate of Zillah Rajshahye, Mr. Metcalfe, sent for your petitioner, and desired him to issue an order upon his tenants, directing them to cultivate indigo for the aforesaid Messrs. Watson & Co., and to give them the lands they claimed.

The outcry against indigo had for many weeks been raised in Kishennuggur, Jessore, and Pubnah, before it reached the district of Rajshahye. When it did come before the magistrate in this form, some forty to 100 ryots, headed by a Mooktear, appeared and presented petitions against indigo oppression. The depositions of some were immediately recorded, and the popular outburst was accounted for thus: that on a certain date certain villagers went to the Pooteah zemindar's house, and came back with a rokah in their hands for the zemindar's Gomashah

gomashtah, at a place called Arani. On receipt of this rokah, the principal ryots were summoned, and ordered to go to the magistrate and complain. I use the words of the deponent: "If you go and complain against the planters, it will be good." For several weeks after this matters went on getting worse and worse, and it was so evident that the petitioner (Puresh Narain Roy) was himself the seeming promoter of these disturbances, that I thought fit to summon him to give a moochulka. He appeared, and requested an interview with me at my private house. He urged his inexperience, that he had no objection to his ryots sowing indigo, no wish to have any difference with the planters. I replied thus: "The whole of the present excitement arises from this, that the ryots do not know whether to fulfil their engagements with the planters or not; you, as their zemindar, have influence with them; tell them you do not prevent them from sowing." The petitioner promised to do this, but he failed to keep his word. I would here beg to state by way of annotation that, knowing the character of the petitioner, I had requested the sudder ameen of Rajshahye to be present at the interview.

With reference to the sentence underlined,* the whole is a gross mis-statement, and I deny ever having made it.

* Printed in *italics*.

Threatening him at the same time with sundry pains and penalties which he (Mr. Metcalfe) could by virtue of his office inflict on your petitioner as the alternative of refusal.

Shortly after this the petitioner (Puresh Narain Roy) stated so frequently his wishes to settle his differences with the Messrs. Watson, that I was present at a meeting proposed some time before by the magistrate, Mr. Taylor, for the purpose of seeing if some amicable arrangement could be made between the respective parties. What took place at this meeting I leave to the magistrate to state.

Para. 16. One of the first acts of the joint magistrate after this was the almost unprecedented one of the summoning your petitioner's mother through the darogah.

This paragraph requires special stress to be laid upon it, for the statement is so far removed from truth. The details are these: the petitioner (Puresh Narain), on his assumption of the zemindary, became immediately involved in disputes with his mother. The gist of the dispute tended to this, that, till his differences with his mother were settled, the disputes with the Watsons could not be.

Both mother and son were exciting the ryots, and the latter, though disputing with the former in reference to share, was under her influence, while she again was directly under the influence of a Brahmin. If the true rights of the case could have been stated to her, viz., that Government had never forbidden the cultivation of indigo, and that she, as a zemindar, was not justified in so doing, the root of the then present excitement would have been touched. I therefore sent to her a darogah, a friend of the family, not with a summons, but a message, telling her that if she would come to Bauleah, the amicable arrangements which she expressed her wish to make could the more easily be brought about, and the true facts of the indigo question explained to her.

With reference to this paragraph, I have the honour to request that a translation of the darogah's report may be submitted for the information of his Honor the Lieutenant Governor, as also the private note to the darogah, in which I stated, "use your persuasion," &c.

Paras. 17 and 18.

Are devoid of any foundation, no summons having been issued for the attendance of a purdanishin in court. The philippic on the honour of the family calls for no further observations.

Some days after this the joint magistrate, attended by parties of military police, went to your petitioner's residence, ordered his instant attendance, and threatened a forcible entry into the inner apartments.

Para. 21. The joint magistrate thereafter proceeded personally to the indigo lands in your petitioner's zemindary, attended by parties of military police, and the servants of Messrs. Watson & Co., and caused large areas of land to be prepared for or sown with indigo seed.

Para. 22. Of these acts your petitioner will mention one as a specimen. Two hundred and seventeen houses of ryots settled upon a piece of newly reclaimed land were broken down in order to make room for indigo. This was done under the personal directions of the joint magistrate, who took a more active than legal or dignified part in the proceeding.

Para. 23. The joint magistrate has further, to the harassment of your petitioner, quartered bodies of military police in various parts of his zemindary, although there is not the slightest probability of any serious breaches of the peace. For these, as well as for others not located in your petitioner's estate, rations have been exacted.

This paragraph is devoid of the slightest truth; viz., I ever attempted a forcible entry into the inner apartments, or that I requested him to accede to any such requirements, or stated that I ever threatened to pursue him with coercionary measure.

Captain Davis, of the Behar Horse, was present during our interview.

The lands referred to probably are those situated on the banks of the River Burul, in the villages of Hapanya, and Chainparrah, Thannah Bhalookgatchee. Cases of forcible dispossession have been made under Act IV., section IV.

Cases of disputed lands, accompanied by breach of the peace under section II., Act IV. of 1840. It is not stated what gross violation of the law and official decency were committed by me, neither am I aware of any such an act on my part. Had there been any, it was open to appeal either to judge or commissioner. I am unaware of any complaint of this kind having been preferred. The lands referred to are doubtless those decreed to the Messrs. Watsons, and spoken of in the former clause, in which petitioner allows they are indigo lands, calling them as such by name. It has been proved on evidence that the factory had held them for upwards of 30 years; that in the present year the ryots went in numbers to the Pooteah zemindar's cutchery, came back with fresh pottahs for these same lands, and orders to sow any crop they liked.

EXAMPLE.

Close to the thannah of Nattore stands a portion of chur land belonging to the factory of Amhattee, and cultivated by that factory for some 30 years. In one night some 600 to 700 men landed on this chur, and erected by night some 200 to 217 houses they are called, but they were, the greater part, about one foot to three feet high; some were four bamboos, with a roof put on the top, composed of reeds, and others, a sketch of which, if annexed, would be too frivolous for a public document. I am accused of causing the houses of ryots to be broken down, and taking an active part in the same. I did neither the one nor the other, for there were neither ryots nor houses, and my acting was solely in going some 37 miles in a dingy at an inclement season of the year, to prevent any riot, which I was too late unfortunately to prevent, as a number of the factory cattle were carried off, and all the ploughs destroyed.

I should further state, that my proceedings in this case have been, on appeal, upheld.

Troops have been required not only to prevent serious breaches of the peace, but carry out, by their moral presence, orders of the authorities even in petty matters; and the statement, "rations have been exacted," should have been, "rations have been called for." I regret to state that little heed has been paid to the various perwannahs issued, and the greatest difficulty has been felt in supplying men with the commonest necessaries. It is not stated what places where troops were stationed petitioner had no elaka I am unable to reply. The greater number of the perwannahs were issued by the collector.

Para.

Para. 26. Your petitioner observes that he has been represented as being implicated in one or two cases of arson. Your petitioner avers that neither he nor his tenants are in the slightest measure responsible for the occurrences which, he believes, have been brought about by the planters themselves for an object easy to be imagined.

On what grounds the incendiarism of the Peergunge Factory is attributed to the planters has certainly not been evident in any proceeding held before me. On the contrary, I feel justified in forming this opinion, both upon evidence on oath and circumstantial evidence, that the incendiarism was perpetrated by the tenants of the Pooteah zemindars; and further, that the servants of these zemindars have directly or indirectly suborned witnesses to perjure themselves is more than probable, from the fact that the persons who deposed to the details of the arson before the Naib Derogah of Nattore, and the persons who attested the deposition, have in court denied, the one either making the deposition, the others, attesting their signature to it.

I have now stated the unembellished details of facts which compose the pith of the petition to the Government of Bengal. The statement that the whole is supported on unimpeachable evidence can scarcely have been made on cool consideration.

On what point does the unimpeachable evidence of the petitioner lie in reference to paragraph 21? The joint magistrate proceeded to the indigo land and caused large areas of lands to be prepared for or sown with indigo seeds. Where is the unimpeachable evidence that the petitioner's mother was summoned into court, when no summons can be issued except on the deposit of tullabanah, and through the nazir of the criminal court? Can the petitioner produce a copy of the same? Can the petitioner produce one witness to state that one single habitable house was erected in Lukkhikole Maut? Can the petitioner produce any true evidence on any single averment which he has made?

The fact of the Messrs. Watsons having extensive* holdings in Luskerpore, and the petitioner declining to allow them to be held by the planters,† is what has caused the whole of the disturbance in Rajshahye. The lands so resumed have been tried under the provisions of Act IV., and hence the averments made by the petitioner in paragraphs 21, 22, 23, &c., that his lands have been sown in kalai, houses broken up, &c. Further, as this resumption of lands held by different factories for years have been done by the act of the petitioner, and his nephew Jogindernarain Roy, these two young men are solely responsible for their acts, which have necessitated in a measure the deputation of troops and of magisterial officers in the interior, and have necessitated the institution of numerous suits; and lastly, have sent to the gaol many of their own servants, who, led away in all probability by their zemindars, have made themselves amenable to the criminal laws.

While again the fact of these very holdings which petitioner admits is daily being denied on oath by witnesses produced on petitioner's behalf by his constituted mooktears, and recorded in evidence in the records of this court.

Lastly, the original petition is herewith enclosed.

* Vide paragraph 5.

† Vide paragraph 14.

From *S. H. C. Tayler, Esq.*, Officiating Magistrate of Rajshahye, to the Commissioner of the Rajshahye Division (No. 23, dated 26 January 1861).

Sir,

WITH reference to your memorandum, No. 1792, dated 21st December 1860, with its enclosures, I have the honour to submit the following replies from myself as then officiating joint magistrate, and trust they would be found satisfactory.

2. In advertence to paragraphs 1 to 8, I have no remarks to make, the matter in them having no connexion with our proceedings.

3. This statement requires correction. Had all the ryots in the indigo-growing parts of the districts entered into the combination referred to, I should have had less reason for attributing to petitioner (as one amongst others), the imputation which, it appears to me, he has so justly brought upon himself, of assisting in that combination. There are some parts of my district in which even contract lands have not suffered, and others from which no case has sprung. These places are however, for the most part, comprised in zemindaries not belonging to the Baboos of Pooteah. Paragraph 9.

4. Have been fully answered by the officiating joint magistrate, whom they affect altogether. The answer given appears, in every point, satisfactory. Paragraphs 10 & 11.

5. I sent Tariny Churn Roy, 1st class darogah, whom I knew to be a friend of the Baboo, to request him to come and see me at my own house as a private individual, as I had agreed to assist in the proposed settlement between his family and Messrs. Watson and Co. From this has originated a charge against me, implying that, by so doing, I had offered an insult to the Baboo. Paragraph 12.

6. This paragraph, I am constrained to say, contains a direct misrepresentation. I never, during the whole time we were conversing together on the day we met at my house, uttered

one syllable in regard to indigo; it was not connected with the subject under consideration. The following is the real story:—

7. The four annas, 13 gundahs, one kora, one kanty portion of Pergunnah Lushkerpore is divided into three equal shares; one held by Puresh Narain Roy, another by his mother, Ranee Shamsoundery Debea; the third by Watson and Co., who received it from Ranee Surnomoye Debea; and it appears that Puresh Narain Roy and his mother are opposed to Messrs. Watson and Co. The discussion at the meeting was that, if Puresh Narain's mother Shamsoundery Debea, agreed, the two should retire from the south side of the estate, giving up their respective shares in Izarah to Messrs. Watson and Co., and that Watson and Co. should retire from the inland portion of the estate, giving up their third share to Puresh Narain Roy and Ranee Shamsoundery Debea, and that exchange should be equal in amount, and that both contending parties being thus separated, an end of all disturbances would be effected. Furthermore it was agreed that if Messrs. Watson and Co. held any jotes within the portion of the estate vacated by them, they were to pay rents for the same to Puresh Narain Roy and Shamsoundery Debea or any other ryot. In like manner if Puresh Narain Roy and his mother held jotes in the portion they vacated they were to pay rent to Watson and Co. The lands to have been made over to Messrs. Watson and Co. may, very probably, have amounted to fifty or sixty thousand beegahs; but the Baboo so words the paragraph in question, as to make it seem that fifty or sixty thousand beegahs of lands were to be made over without his receiving any equal remuneration, and he curiously enough forgets to mention that he had, before the meeting took place, evinced to me a wish that some such exchange should take place, as he wished to have the whole of the lands near his house in his own management. The mention too of existant jotes (a matter alone mooted by himself), has been conveniently turned into his being "urged to make his ryots sow indigo," which is untrue.

Paragraph 14.

8. In trying to effect the settlement, which was half concluded, and at which, previous to his departure from my house, the Baboo expressed his approbation and accordingly signed his name to, some discussion arose as to how the value of lands was to be ascertained and by what papers decided, but nothing more than this. He was never asked (how could he have been) to give up any lands to Watson and Co., or to compel his ryots to sow, and he never gave me any such answer as stated in this paragraph. There is a certain amount of straightforwardness as regards his conduct implied in this paragraph, which he in reality never showed; had he carried out half his professions (which in themselves were sometimes good enough) he would never have had occasions to resort to such incorrect statements as these, in order to defend his own cause.

Paragraph 15.

9. I regret that I have had to report so unfavourably on the conduct of this Baboo in reference to the general question of the present disturbance, but as yet of this fact petitioner can know nothing, and never from a single act done against him can he have had the slightest grounds for making the statement he does. Moreover, he knows, and could not deny, if questioned, that I have on more occasions than once spoken to him privately and in the most friendly way possible, and repeatedly told him how extremely reluctant I felt to bring forward his name in court, and warned him to do something to show me that he was not in any way assisting the ryots in the present combination, as, from evidence before me, I was compelled to believe. He has, moreover, thanked me for my advice, and promised to be guided by it and speak with his friends too. It was, moreover, almost immediately after this that he requested leave to go to Pooteah, he being then in the station at the order of the officiating joint magistrate in connexion with some case before him, and he obtained his request, and after this he left for Calcutta. The only acts against him by me were orders for the supply of his quota of rumund for troops, which orders were continually disobeyed, and, as far as I am concerned, his retainers have only received warnings not to neglect the carrying out of such orders in future. Some cases of a like description are, however, still in abeyance.

Paragraphs 16, 17,
18.

10. Have been answered by Mr. Metcalfe. The last two of these three paragraphs, however, deserve comment. The petitioner so ingeniously words his complaints as to make out that some information of a criminal nature had been received by the officiating joint magistrate, and upon which he, without taking any deposition on oath, had illegally acted by "summoning his mother to a court of law." Though he "believes" the "order was issued with a view to the moral effect it would create upon him," whereas the truth is, the Ranee's presence in the station was essential to the final adjustment of a settlement that petitioner himself appeared most anxious to conclude. The Ranee, it is a general asserted fact, is completely under the control of one Esan Sandial, her manager, whose acts since then fully warrant the conviction entertained by the joint magistrate that he would prevent the settlement if he could; and I verily believe that, had the Ranee come into Beaulah (she has a residence in the town), the settlement, which only required her signature, would have been completed and much of the district thus quieted. Petitioner goes unnecessarily out of his way by begging the question as to his mother being summoned before a court of law. What reasons he has for making such a statement I confess myself at a loss to conjecture.

Paragraph 20.

11. I have heard all that took place on the occasion referred to in this paragraph both from Mr. Metcalfe and Captain Davis, whose accounts I have no reason to disbelieve, and their

their stories differ vastly to petitioner's. Mr. Metcalfe has, I consider, fully and satisfactorily answered to this charge.

12. Have also been shown by Mr. Metcalfe to be mis-statements.

Paragraphs 21 & 22.

13. Had there been no reason for apprehending disturbances the services of the police would not have been solicited from, and granted by you. Never to my knowledge this petitioner has to supply rissud where he was not bound to do so.

Paragraph 23.

14. Had the petitioner taken the slightest trouble to inquire he would have had no necessity to be guided by a belief that happens to be an incorrect one. Messrs. Watson and Co. have been called upon to supply rissud, and though, owing to the combination against them, they could do but little, offers of assistance from private sources have been made, and supplies received, especially from Nundungatchee.

Paragraph 24.

15. I regret to say these and other like representations have frequently been made against the magisterial authorities throughout these disturbed times; what foundation they had for preferring such, and with what results all such have been attended, you are cognizant.

Paragraph 25.

16. Though not directly applicable to me I cannot pass it by without stating that, had the slightest reason for supposing for one moment that the planters had themselves burnt down their own houses; or had any evidence to lead to such a conclusion been ever even advanced; or had such a suspicion been raised, neither the joint magistrate nor I would have been backward in bringing such forward and sifting its truth. From what petitioner speaks I am not aware.

Paragraph 26.

17. Of this I cannot, of course, speak positively. He has, however, never by any act shown any of the authorities the anxiety he herein expresses in regard to finding out who the perpetrators of the arson were.

Paragraph 28.

18. Refer to the inquiry petitioner solicits. There are some allegations in the petition against the joint magistrate that should, in justice to him, be properly investigated; and the petitioner should be called upon, moreover, to substantiate what he has preferred against us both; for, while petitioner directs attention to unimpeachable evidence being forthcoming to prove his assertions, answers both from the joint magistrate and myself are herewith forwarded, which are diametrically opposed to those assertions.

Paragraphs 30, 31, 32.

In conclusion, I trust I have not, in the tone of this letter, outstepped the bounds of official courtesy. I have endeavoured, under the circumstances, to write as quietly as I could, and trust that I have not failed in the attempt.

The original petition is herewith returned.

(No. 642 A.)

From *W. S. Seton-Karr*, Esq., Secretary to the Government of Bengal, to the Commissioner of the Rajshahye Division.

Sir,

Fort William, 21 March 1861.

I AM directed to acknowledge the receipt of your letter No. 5, dated the 22d ultimo, submitting, with your remarks, the explanatory reports of the officiating magistrate and the officiating joint magistrate of Rajshahye regarding the complaints brought against their proceedings by Puresh Narain Roy, zemindar of Pooteah, in his petition of the 14th of December last.

Judicial.

2. The Lieutenant Governor considers Mr. Metcalfe's answer to the charge laid against his official conduct in the 10th paragraph of the petition to be sufficient and satisfactory. But in paragraph 11 there is a statement which Mr. Metcalfe has not noticed, namely, that the zemindar told the officiating joint magistrate, when sent for, that he could not dispense, in favour of Messrs. Watson & Co., with the necessary proofs of title as regards certain lands.

3. As it would have been in the highest degree improper in Mr. Metcalfe to use his official influence in order to induce this young zemindar to abandon any rights he had, or believed he had, in his own zemindary in favour of any person, the Lieutenant Governor feels sure that no such influence was used. But as it seems that some dispute about lands is at the bottom of the whole affair, it would have been more satisfactory if Mr. Metcalfe had specifically noticed the remark in question.

4. In inviting the zemindar to an interview for the purpose of inducing, unofficially, a settlement of his dispute with Messrs. Watson & Co., it would have been better if a more appropriate messenger had been employed than a

police darogah, even though the darogah happened to be a friend of the zemindar; and the same remark applies more forcibly to the invitation conveyed to the Ranee Shamasoondery Debea. On the whole, the impression which is left upon the Lieutenant Governor's mind from the explanations of both the district officers is that, in their treatment of the zemindar and of the ranee, there was not that degree of consideration and courtesy which was due to their positions.

5. Upon the attempt to induce the zemindar to come to terms with Messrs. Watson & Co., who had been the farmers of his estate during his minority, and who, as the zemindar maintains, were disposed to retain, to his injury, indigo lands acquired possession of only in his capacity of lessee, the Lieutenant Governor has to remark that he is sure that the officiating magistrate, Mr. Tayler, acted from the best motives; but he joins with you in regretting that he was drawn into taking any part in that attempt, as the part taken has been resented by one of the parties in the case, and has placed both himself and Mr. Metcalfe in a false position during the quarrels which have followed upon the failure of the attempt.

6. The assertions contained in paragraph 20 of the petition are shown to be unfounded, the facts having been discredibly perverted in the petition. The explanation on this point is entirely satisfactory.

7. All the other charges in the petition are satisfactorily met.

8. For their exertions in maintaining the peace of their districts: in enforcing summary decrees for possession; and in punishing rioters and other offenders, the district officers, as well as Lieutenant Davis, deserve great credit.

I have, &c.

(signed) *W. S. Seton-Karr*,
Secretary to the Government of Bengal.

(No. 643 A.)

Fort William, 21 March 1861.

COPIES of this letter, and of the one to which it is a reply, forwarded for the information of Puresh Narain Roy, zemindar of Pooteah, with reference to his petition, dated the 14th December last.

(signed) *W. S. Seton Karr*,
Secretary to the Government of Bengal.

PETITION of *Baval Mullah* and others, ryots of the undermentioned villages of Pergunnah Luskerpere, in the district of Rajshahye, to the Honourable the Lieutenant Governor of Bengal, dated the 29th Pous 1267. B.S.

Humbly sheweth,

Baval Mullah.
Sham Mundul.
Namdar Mundul.
Jaduk Mundul.
Mohudu Sircar.
Sookur Mundul, of
Barooipara.
Badub Poramanick.
Nussuruddy Mundul, of Laroy
Gatchee.

THAT we the ryots named as per margin, are ryots of the above-mentioned pergunnah, which belong to the zemindars Rajah Puresh Narain Roy, and Rajah Jogendro Narain Roy; that during their minority the estate was given in ijarah to Messrs. Robert Watson & Co. by the Court of Wards; that during the period of which ijarah, the ijardars compelled us, against our will, to cultivate for them indigo on our best lands without adequately paying us for the same; that we were subjected to much personal illtreatment, illegal confinement in the factory godowns, and obliged to pay illegal fines and cesses; that their lease having expired with the current year, we refused any longer to put up with these oppressions and cultivate for them indigo on their former terms; that consequently the above planters have, with the object of harassing us into a compliance with their wishes, induced the magistrate of Rajshahye to depute joint magistrate Mr. Metcalfe to Korom Dossy, and station at the place a body of the Irregular Cavalry and sepoys under Captain Davis; that the planters, under their protection, have commenced to annoy us, and that, although we have complained against these measures, our prayers have not been attended to.

2. That on Sunday, the 27th of Kartic last, the ameens and tageedgeers of the Bagateepara factory came to Laroy Gatchee to strew indigo seeds on certain lands

lands which we had kept prepared for the reception of other crops; that on Gopaul Poramanick and Ashan Sircar protesting thereto, Captain Davis (whom it appears the planters had the day before, for this very purpose, induced to put up with them in the factory of Galimpore) suddenly appeared in our village and summoned us to his presence after assuring us, through his men, that he had come on behalf of Government, and would see justice done to us if we would go and lay our complaints to him; that whereupon several ryots having appeared before him, he apprehended and took into custody from among them, ryots Ashan Sircar, Seetul Mundul, Arubdy Mundul, Pubun Poramanick, and others, and escorted them in person to the Bagateepara factory, and there shut them up; that afterwards the joint magistrate, on receiving a letter from Captain Davis, and a petition of false complaint from Ramsoondur Sircar, the indigo ameen, for assault, the joint magistrate came from Korom Dossy with some of the cavalry and police battalion, and also accompanied by Mr. Bell, the superintendent of the Bagateepara factory, his dewan, Kistolal Mozoomdar, and about 50 or 60 lattials in the service of the factory, to our village after sunset, and with the aid of lights entered our houses and apprehended Gaze Mollah, Bucksee Mollah, Dhonna Mollah, Gopaul Poramanick, Bishnoo Poramanick, and Bodhoo Poramanick; that the men of the police battalion and the factory burkundauzes took occasion of insulting our women, and plundered the gold and silver ornaments they had on their persons; that Gaze Mollah having immediately brought this last-mentioned circumstance to the notice of the joint magistrate, some of the plundered property was found by him in the possession of the police battalion and attached; that afterwards Buksee Mollah having been released from custody, he and another person named Ruby Sircar, on the 30th of Kartic, filed a regular petition of complaint on the subject of the above-mentioned lootraj, filing a full list of all the property plundered before the joint magistrate; that though the plunder had taken place in his presence while he was in our village, and notwithstanding that a part of the plunder had been pointed out to him, yet, unfortunately for us, he ordered an investigation of it to be held by the police darogah Panchanun, of Thannah Borovegram, who, to please his superiors, submitted a report stating that the plunder had not actually taken place; that whereupon the complainant, Bucksee Mollah, was punished with three months, and Rubee Sircar to six months' imprisonment, and ordered to pay a fine of 50 rupees each in lieu of labour, on the charge of having preferred a false complaint; that afterwards proceeding with the suit, the above-mentioned Ramsoondur, indigo ameen, had instituted, he sentenced the several above-mentioned ryots, who had been apprehended by him in our village, each to one year's imprisonment and to pay a fine of 200 rupees, or in default of payment with one year's imprisonment more; that on the 9th of Aughran, the above prisoners from the gaol, and on the 12th idem, a person named Haboolla Moonshee, petitioned the Commissioner on the subject of the above lootraj and the injustice of the joint magistrate, but the Commissioner has not yet passed any orders thereon; that the ryots of these villages, thus despairing of all protection at the hands of the Government authorities, have fled from their homes with their families; that the planters, availing themselves of their absence, have ordered their ameens and tageedgeers to destroy our standing crops by driving large flocks of buffaloes and cows on them, and sown indigo on our paddy and sugar cane lands.

3. We, ryots named as per margin, of Kandara, in the above-mentioned pergunnah, beg to state that the factory gomasta, Jogobundo Sircar, and Melun Sircar and Jogy, tageedgeers of the Pykepara factory, belonging to Messrs. Watson & Co., having, in company with 50 or 60 lattials, forcibly sown indigo on our paddy and other lands, after driving us and our ploughs therefrom, we petitioned the joint magistrate on the 17th Aughran to station a body of the military police in our village, so that we might be secure from further aggressions from the planters, and although we were prepared to state our case on oath, yet no order was passed. The Commissioner also has not admitted our prayer. Whereas the petitions of the planters are immediately attended to, and whenever an application is made by them for a body of the battalion, it is immediately sent to their aid.

Oojal Mundul.
Pubun Poramanick.
Fuzoo Shaha.
Goopee Poramanick.
Alum Mundul, of Kandara.

4. That we* having refused to cultivate indigo on the terms proposed by the indigo planters, Raj Chunder Moitree, the dewan of the Nundun Gatchee factory, and

* Ramjeebun Poramanick.
Takoordoss Sircar.
Dosorot Sircar, of Simlah Moungly and Patya Kandy.

and Ootohub Chunder Sircar, accompanied by a large body of armed men, having, on the 21st Aughran last, attempted to cut away by force the ripe paddy crop of Thakoordos Doss, of Moungly, and the latter petitioned the joint magistrate soliciting an order on the police darogah for protection of the crop; but that officer, instead of granting his prayer, ordered the darogah to inquire whether or not the crops claimed by Takoordos stand on the Neejjote lands owned by the factory. The joint magistrate has, in a similar manner, declined to entertain several complaints which we preferred against the planters, and also exacted a bail of 100 rupees from our mooktear, Ramguttty Sircar, to appear before him on an alleged charge of having filed a false petition. Again the ryots of our villages having turned out to oppose the factory people from destroying our kalye crops and sowing indigo seeds on those lands, the joint magistrate, at the instigation of the planters, accompanied by the captain of the police battalion and some of his men, came upon them, and on the plea of our having formed an illegal assemblage, took them into custody and fined, in the sum of 50 rupees, one of them named Prannauth Sircar, for contempt of court.

* Rajoo Sirdar.
Rohoman Mullah.
Peeroo Mundul.
Protaup Poramanick Mundul, of
Dustanabar.
Kaloo Mundul.
Jubran Mundul.
Rajla Sirdar, of
Mohunpore and
Chunderpore.

† Baool Poramanick.
Jureep Sircar.
Sulum Shaha, of
Chunder Kola Bagbary.
Beram Mundul.
Baool Mundul.
Juloota Poramanick, of Chowgatchee.
Maon Mundul.
Ramjanny Poramanick.
Alee Mundul, of
Narainpore.

5. That the gomashtha, and other servants of the Peergunge factory, belonging to Messrs. Watson & Co., having sown indigo on our kalye lands, we* petitioned Mr. Joint Magistrate Metcalfe on the subject, but were told in reply to go and sow indigo for the planters, and the oppressions which we are now undergoing would cease. The planters also are on the slightest pretence furnished with bodies of the police battalion, whom they will bribe, and thereby induce them to aunoy and harass us by all manner of means.

6. That we† having refused to sow indigo for Messrs. Watson & Co., the superintendent of their Deega factory attempted, by main force, to destroy our standing crops, and to sow indigo on those lands; but having failed to carry out his design into execution, brought a false charge against us before Mr. Metcalfe, and made us defendants in the matter. Mr. Metcalfe proceeded to our village, and, in order to frighten our witnesses, put them into hajut confinement on a Sunday, and afterwards procuring a party of the police battalion, assisted the planters in completing their sowings.

7. That we† having refused to sow indigo for Messrs. Watson & Co., the superintendent of the factories attempted to sow, by main force, indigo on our lands, and threatened to plunder our villages, and to insult our women. We are therefore always living in constant dread on account of these threats, but cannot complain to the authorities, seeing, as we have done, how several ryots of Nory Gatchee and Barooyepara have been put into gaol for complaining against oppression done to them by the men of the police battalion and factory people.

‡ Nemy Sircar.
Baool Gayeen.
Kuraky Poramanick.
Tuky Poramanick.
Jhuroo Poramanick.
Bykunt Mundul.
Kaloo Mootollah, of
Packpara.
Budun Sircar.
Jhoomoor Mundul.
Khakaram Mundul.
Nufur Kurmocar.
Dookhoo Shek, of Rustoompore.
Alee Mundul.
Hafez Sirdar.
Kokchand Mundul, of
Gopaul Hattee.
Manoo Mundul, of
Gateea.
Sudder Poramanick.
Kolom ditto.
Haroo ditto.
Jamal ditto.
Meelun ditto.
Judur Doss.
Rajoo Mundul.

Ramsoondhur Chung, of
Amhatty.
Pachoo Poramanick.
Meetun ditto.
Pachoo Kuleefa.
Pulun Nusho.
Janoo Mundul.
Rameshur Mundul.
Baool Mundul, of Sooltanpore.
Oordhub Mundul.
Bhyrup Sircar.
Dinoo Mundul.
Rameshur Mundul.
Gungaram Mundul, of Jote Anonto.
Koodurat Mundul, of Autbhag.
Koolie Mollah.
Ram Mohun Mundul, of Dasmuriah.
Hakim Middha.
Meajun Poramanick, of Hurrogatee.
Koolie Mundul.
Tajoo Sirdar.
Madarie Saik, of Nudieparah.

Chooky Sah, of Jogopara.
Baool Sircar.
Radhakisto Poramanick, of Jossopara.
Potitpabun Sircar.
Setal Mundul.
Moonshee Moulah, of Hobibpore.
Hurrif Mundul, of Gobind Nuzir.
Paubun Poramanick.
Jorif ditto.
Shealah Moonsy, of Talkoopy.
Wapob Mundul.
Nemye Mundul, of Gundogoholy.
Moochee Shaha, of Dhurjoypara.
Fojullah Mollah, of Ranyepara.
Fadil Mundul, of Kharmohunpore.
Sajone Sirdar.
Khodadil Mundul.
Bhailoo Sirdar.
Baily Sirdar, of Doolunpore.

people. We have therefore give up all hopes of obtaining redress from the local authorities, and come here to lay our complaints at the foot of the Lieutenant Governor.

8. The prayer of all of us is that strict orders may be sent to the local authorities to give us adequate protection against the oppression of the planters, and that his Honor the Lieutenant Governor be kind enough to order our complaints and suits to be heard and decided by other officers than Mr. Metcalfe.

And your petitioners, as in duty bound, will ever pray.

(No. 152 A.—Judicial.)

Fort William, 17 January 1861.

Read a petition from certain ryots of Pergunnah Luskerpore, in the district of Rajshahye, complaining of the oppressions practised upon them by the people of Messrs. Watson & Co.'s factory, from which, the petitioners aver, they have received no protection from the district authorities.

Order.—Ordered, that the petition be forwarded to the Commissioner of Rajshahye for report, and the petitioners informed that they can go and make their complaints to that officer.

(signed) *H. Bell,*
Under Secretary to the Government of Bengal.

From *H. M. Reid, Esq.*, Commissioner of the Rajshahye Division, to the Secretary to the Government of Bengal (No. 163 Ct.), dated 7 March 1861.

Sir,

I HAVE the honour to report as under, for the Lieutenant Governor's information, on the petition of certain ryots of Pergunnah Luskerpore, which was forwarded with your office memorandum (No. 152 A.), of the 17th January last, and, in accompaniment of my report, to submit the correspondence noted in the margin.

2. In reference to the averments made in the 1st paragraph of the petition, it seems only necessary to observe that the mounted police under Captain Davis were sent out with Mr. Metcalfe to preserve the peace of the southern part of the district which had recently become disturbed, and that, in fixing Kurruindoshee as the chief encamping ground, the joint magistrate selected a spot which was in the centre of the disturbed tract, and convenient for the accommodation and victualling of the men and horses. The causes which have led to the disinclination of the ryots to continue sowing indigo for the Messrs. Watson during the current season have already been reported upon to Government in another report. It is unnecessary therefore to refer to them further on this occasion. The assertion that the complaints of the petitioners have not had any attention paid to them is unfounded, and will be more particularly alluded to in subsequent paragraphs of this letter.

Copy of a letter from the officiating joint magistrate of Rajshahye, dated the 16th February, with its enclosed copy of a deposition given by Lieut. Davis, of the Behar Horse, dated 12th November.

3. The particulars of the Bagateeparah riot case, and explanation of the averments advanced by the petitioners in connexion with it, against Mr. Metcalfe, Captain Davis, and the military police, will be found fully given in the 3d to 5th paragraphs of Mr. Metcalfe's letter, and in Captain Davis' deposition given on oath. The case was duly reported for my information very shortly after its occurrence, and the steps taken by Mr. Metcalfe and Captain Davis for arresting and bringing the offending parties to trial met with my complete approbation. The rioters were at first convicted by the joint magistrate, but, on appeal, the judge has ordered their commitment for trial to the Sessions Court. The joint magistrate denies that either Mr. Bell, the manager of the Bagateeparah factory, or the dewan of the factory, or any of the factory burkundauzes, accompanied him to the petitioner's village, or that Gazeemoola ever brought to his notice that the women of the village had had their ornaments taken from them by the military police and factory burkundauzes. One man was seen in the act of

Paragraph 2 of the petition.

escaping from the village, with a basket of brass plates upon his head, and, on being apprehended, he was found to be one of the rioters. A petition was subsequently presented to the joint magistrate on the subject of the alleged plunder of the village, but, on inquiry, Mr. Metcalfe found the charge to be a false one. He accordingly convicted the complainants Buxee Moolah and Rubbee Sircar, and sentenced them to imprisonment and fines, in lieu of labour, for bringing a false complaint. If dissatisfied with this order, it was competent to the petitioners to appeal against it to the judge, which they have either neglected to do, or, if they have appealed, it seems probable that they have done so without success; otherwise they would not have failed to allude to the subject in their present petition. The sentence on them would seem to have been passed under the provisions of Section V., Regulation VII. of 1811, which does not warrant the imposition of labour. I have accordingly pointed out to the joint magistrate that the award of fine in lieu of labour was not authorised by the law in such a case.

4. Two petitions were presented to me by Haboolah Moonshee on the 23d November 1860. The petitioner stated that he presented them on behalf of his employer, Rajah Jogendernarain Roy, and the subjects complained of were for the most part identical with those treated of in the 2d paragraph of the present petition, viz., the proceedings taken by the joint magistrate in connexion with the Bagateeparah case, and the alleged plunder of the petitioners' houses, and begging that an investigation of the latter might be carried out by some other officer than Mr. Metcalfe, but the petitioner was neither one of the injured parties, nor did he hold any proper authority to appear on the part of the zemindar, and, as the measures which were being carried out by Mr. Metcalfe, in connexion with the cases, appeared to me to be suitable, I saw no occasion to interfere in the matter, or for taking any steps to remove the cases from Mr. Metcalfe's file.

Paragraph 3 of
petition.
Paragraph 6 of
Mr. Metcalfe's
report.

5. With reference to the complaint of the Kandara petitioners, the joint magistrate explains that the charge made by them against the factory retainers of having forcibly sown indigo in their paddy and other lands was not proved. The joint magistrate further states, that he saw no necessity to station a body of police for the protection of their village, and that he did not therefore place one there. He further certifies that the petitioners presented no petition to him for the location of a body of the military police in their village, neither did they present any petition to myself on that point. The petition which they presented to me on the 17th December, prayed that their cases, which were under trial before the joint magistrate, might be transferred to the file of the Sudder Ameen, a prayer which I did not see any sufficient reason to comply with.

Paragraph 4 of
petition.
Paragraphs 7 and
8 of Mr. Metcalfe's
report.

6. With reference to the subjects complained of by Ramjeebun Paramanick and others, detailed in paragraph 4 of the petition, I have the honour to refer you to the explanation given in Mr. Metcalfe's 7th paragraph. It appears that a breach of the peace was imminent, and that the joint magistrate thereupon directed the tract of land, which was the subject matter of it, to be brought under inquiry, under Act IV. of 1840, and that a portion of the area was found to be in the possession of the petitioners, in whose favour it was decreed accordingly. The fine of 50 rupees, imposed by the joint magistrate on Prannath Sircar for contempt of court, has been modified by the judge in appeal to one of 20 rupees, in consideration of the circumstances in life of the party fined. The explanation furnished by the joint magistrate on the averments of this paragraph of the petition are not so full as could have been wished. I have accordingly called upon him to furnish a more detailed explanation on the subjects in this paragraph which he has omitted to explain, and especially the averment that he has declined to entertain several complaints preferred by the petitioners against the planters. I do not, however, think it necessary to delay the submission of this report, until the receipt of the further information which has now been called for.

Paragraph 5 of
petition.
Paragraph 9 of
Mr. Metcalfe's
report.

7. The averments of the ryots of Dustanabad, Mohunpore, and Chunderpore, contained in paragraph 5 of the petition, are fully met by the reply given in Mr. Metcalfe's 9th paragraph, which is, in my opinion, quite satisfactory.

Para. 6 of petition.
Para. 10 and 11 of Mr.
Metcalfe's explanation.

8. The averments contained in paragraph 6 of the petition are fully answered by the reply contained in Mr. Metcalfe's 10th and 11th paragraphs.

9. The

9. The subjects alluded to in the 7th paragraph of the petition would not appear to have been brought to the notice of the magisterial authorities. It would seem, indeed, from the statement of the petitioners, that they are afraid to bring them to notice in consequence of some other parties, who have brought similar complaints, having been punished for false complaint. Mr. Metcalfe only notices this paragraph as far it affects himself and Captain Davis personally. He points out that several grossly libellous petitions have been presented against himself and Captain Davis, but he has omitted to mention that the complainants in some of these cases have been convicted by the magistrate, and punished for false complaint. The conclusion arrived at by Mr. Metcalfe, that complaints against public officers are not punishable, as the law at present stands, does not appear to me to be a sound one. Sections VIII. and X., Regulation IX. of 1793, and section V., Regulation VII. of 1811, appear to be applicable to such cases where public officers are concerned, just as much as they are in the case of private individuals.

Paragraph 7 of petition.
Paragraph 12 of Mr. Metcalfe's report.

10. I beg, in conclusion, to report that Mr. Metcalfe has, in my opinion, conducted his duties in the disturbed parts of the Rajshahye district, in which he has been employed for several months past under very trying circumstances, in an efficient and satisfactory manner, and that most of the charges brought against him in the petition under report, including all the most important ones, have been very fully explained in his reply. I have every confidence that his reply to the other charges will, when received, be found to be equally satisfactory.

11. The original petition received with your memorandum under reply is herewith returned.

From C. T. Metcalfe, Esq., Officiating Joint Magistrate of Rajshahye, to the Officiating Magistrate of the Rajshahye Division (dated 16 February 1861).

Sir,

I HAVE the honour to acknowledge the receipt of a petition presented to his Honor the Lieutenant Governor of Bengal, containing certain averments against me, said to have been made by certain ryots of estate Luskerpore, and praying that their complaints and suits be heard and decided by other officers than myself.

2. In answer I would reply, point to point, to every averment therein contained, and I trust to be able to point out the falsity of the averment as strongly on paper as in reality they are. Several petitions have been presented to his Honor the Lieutenant Governor against myself, and I hope, and most respectfully submit, that, if his Honor the Lieutenant Governor be satisfied with this and the former explanations, that he will be pleased to pass such order as may seem fitting on the author of these false petitions, and the cause of the greater part of the disturbances which have taken place in Rajshahye.

3.* The first averment is that we the ryots of the above pergunnah were desirous no longer to cultivate indigo; consequently that the planters, with the object of harassing us into a compliance with their wishes, induced the magistrate to depute the joint magistrate, Mr. Metcalfe, to Kurumdashee with a body of irregular cavalry and sepoy under Captain Davis, and that under their protection the planters have commenced to annoy us, &c., &c.

3. I was deputed by the Commissioner to go into the district, but deputed to remain in no one place; Kurumdashee is a village adjoining Pooteah, and chosen for an encampment—

1st. Because rations were obtainable.

2d. To keep the men of the battalion from the bazar of Pooteah, and chiefly because near to certain lands subject of dispute. Kurumdashee is ten miles distant from the villages of Barraeparah and Norraegatcha, and the presence of troops was so little felt that a riot on a most extensive scale occurred in the above villages. The circumstances of the case have been made known to the Commissioner, who has been pleased to express his satisfaction at the steps taken to apprehend the ringleaders. I would state that the dewan and ameen of the Bagati-parah factory were both wounded, and the riot took place almost in the factory compound, and after certain men had been apprehended by Captain Davis, who happened by great chance to be on the spot, a dunkah was beaten in an adjoining village, and a body of men, apparently with the object of rescuing those who had been apprehended, and joining further in the riot, actually swam across a wide river like the Bur-

* Bawool Mundul.
Sham Mundul.
Namdar Mundul.
Saduk Mundul.
Mohodoo Sircar.
Sookea Mundul, of Barraeparah.
Badul Mundul, of Noorraegatcha.

That on Sunday, the 27th Kartic last, the ameen and tageedgeers of the Bagati-parah factory came to Larraegatcha to sow indigo seeds on certain lands, &c., &c.

* As deposed to by Mr. L. Forbes in his deposition received with the case of the riot case here alluded to

rell, with sticks and darts* in their hands; a mounted syce of the Bagatiparah factory was immediately sent to tell me what was taking place. I was on the spot almost an hour and a half after the riot commenced, and apprehended certain of the ringleaders. There is on the face of the record the strongest presumption that a number of villages had combined for the purpose of a demonstration against indigo. The heads of the villages are the men whose names are in the margin. The case of riot was decided by me, but on appeal I was ordered by the Sessions Judge to commit. These are the straightforward circumstances of the case, which have been controverted by the petitioners into the details stated in pages.

What took place.

When I went into the village I was accompanied by neither Mr. Bell, nor his dewan, nor any one single factory servant. I neither had light of any kind. The statement that Mr. Bell was with me is quite false; for, during the three to four days I was on the spot investigating the case, I never once entered Mr. Bell's house, and in fact had as little communication with him as was possible, even to living and sleeping in the bazar, having no tents with me.

No factory burkundazes were present at all or dared to go into the village, and Gazee Mullah made no statement to me on the subject, neither did I find any plundered property in the possession of the police. A man was seen running away into some jungle, and a basket containing some brass plates was on his head; he was apprehended and found to be one of the rioters. I can find no words to answer this sentence, the statement is so false. I have the honour to forward a copy of the deposition of Captain Davis on the subject, in which his name is mentioned, which will convey to his Honor the Lieutenant Governor the true facts of the case.

With reference to the petition of these men, the statement made by them of their paddy lands being destroyed and their bullocks driven, was never proved, neither can I find that any petition was ever presented by them in reference to what they state, as the accompanying return from the peshkar of my Court shows; and I exercised my discretion in not stationing a body of the police battalion to prevent what was never proved to have taken place, or even attempted.

With reference to the statement made by the petitioners, I have to state that they attempted to create a riot, and did collect, for that purpose, a body of men who were dispersed by Captain Davis, of the police force, and the disputed lands tried under Act IV., and part of the lands here referred to decreed in favour of the ryots, they having dispossessed the factory more than a month before the factory complained.

Prannauth Sircar was fined 50 rupees for uncalled impertinence towards myself in open court. The fine was modified to 20 rupees on appeal, on account of the circumstances in life of the person.

The petitioners in this case referred to were not the original complainants. The Peergunge Factory

4. It is stated—

That the joint magistrate, accompanied by Mr. Bell, the superintendent of Bagatiparah factory, his dewan, and fifty or sixty lattials in the service of the factory, went to our village after sunset, with the aid, &c.

5. That the factory burkundazes took occasion of insulting our women, and plundered the gold and silver ornaments they had in their persons. That Gazee Mullah having immediately brought this last mentioned circumstances, &c., &c.

6. The ryots named as per margin.

Oozal Mundul.
Pabun Poramanick.
Foojoo Saha.
Gossa Poramanick.
Allum Mundul, &c.

7. That we having refused to cultivate indigo on the terms proposed by the indigo planters, &c. &c.

Ramjeebun Poramanick.

Takoordass Sircar.

Dosorot Sircar, of Junglah Mounghy, & Patyakandee.

8. And fined one of them in the sum of 50 rupees for contempt of court.

9. That the gomastah and other servants of the Peergunge Factory, belonging

to Messrs. Watson & Co., having sown indigo on our Kalye lands, we, Rajoo Sirdar, Rohomon Mullah, petitioned Mr. Joint Magistrate Metcalfe on the subject, but we were told in return to go to sow indigo for the planters, and the oppression which we are now undergoing would cease.

Factory gomashthah and servants instituted a suit against the ryots of the village of Dustunabad for driving away the factory bullocks, and preventing them sowing certain lands; the fact of possession was given in favour of the factory. The ryots, when called upon for their proofs, stated that they had no claims to the land. I would forward with this a copy of the deposition of one Haradhun Poramanick, the go-

mashtah of the village, which, as it is in reference to the Kalye crops spoken of, I beg may be forwarded to the Lieutenant Governor to show, first, the falseness of the charge mentioned in the petition; secondly, the method by which the Watsons were dispossessed of their lands; and, thirdly, the irregularity and illegality of Puresh Narain Roy's proceedings. I need hardly say that such a sentence, as "sow for the planters and the oppression will cease," was never uttered by me.

10. With reference to the petition presented by Bawool Poramanick, Joreek Sircar, and others, I have the honour to state, that the details here referred to were made the subject for communication to Government, and is printed in page.

11. Certain ryots attacked Mr. White, of the Deeghah Factory, and violently assaulted some of his servants. The persons said to have been placed in Hazut on a Sunday, were sentenced to imprisonment for assault and wounding, and in default of giving bail to Hazut, as by law, during the hearing of the case.

12. With reference to the concluding sentence, that the ryots cannot complain to the authorities, the records of the court show their petitions, some of which have contained the most libellous accusations against myself, accusing me in one petition of insulting women and looting villages; of other charges which I refrain from mentioning. There is no law for the punishment of such charges against a public officer, and the provisions of Regulation IX. of 1793, have failed in application to those charges, as the persons who have presented these petitions have, when their depositions have been taken, stated another story altogether. They have been servants of the Pooteah Zemindars, and have refused to mention the names of the persons who have written their petitions for them. The result is, that my conduct as a public officer has been vilified in a most public manner for having performed my duties conscientiously; and I humbly pray that his Honor the Lieutenant Governor will be pleased to take some notice of this present and former mis-stated petitions.

13. The original petition is herewith returned.

MEMORANDUM from *S. H. C. Taylor, Esq.*, Officiating Magistrate of the Rajshahye Division.
(No. 74, dated 16 February 1861.)

FORWARDED for the information and orders of the Commissioner, with reference to his letter, No. 60 Ct., of the 21st January last, the reply being considered perfectly satisfactory.

The deposition on oath of William Parry Davis, a British subject, born at Calcutta, but of European parents, at present in command of a detachment of Behar Irregular Horse, and exercising the full powers of a magistrate in the district of Rajshahye, given before me this 12th day of November 1860.

(signed) *C. T. Metcalfe.*

Yesterday I left Tandar, Thannah Bilmariah, where I had been inspecting a party of my men. I arrived at Galimpore, on my way to Camp Kurumdashee, about nine o'clock. A little after noon, I should say between 12 and 1 o'clock, a servant of Mr. Bell, of Bagatiparah Factory, came into the room where we were seated and reported that a serious riot was at that time going on on the opposite side of the river, in the immediate vicinity of Mr. Bell's house. I immediately proceeded to the spot, from which, however, the men had dispersed previous to my arrival there. I then went on to an out-house of the factory, where I was told two of the factory servants, who had been wounded, were lying. I saw them; they were both lying down, covered up with wounds on their heads and body. A good deal of blood was visible on their clothes. I should have said before that I was accompanied by Mr. A. M. Wilcox up to the house.

Messrs. Forbes, Smith, L. Forbes, and Bell followed me up. They wanted to accompany me into the village, but I declined, and proceeded with two police, burkundazes, whom I saw on the spot, into the adjoining village, and found it entirely deserted, excepting by two men. After going through the village I saw a numerous body of men, with sticks, collected in a village to my front. I sent the two burkundazes ahead of me to tell them that I was a

magistrate,

magistrate, and that they were to come to speak to me. The men, however, retreated when I got into the middle of the village. One of the burkundazes came running back to me, and said that he had been threatened by armed villagers; almost immediately afterwards the other burkundaz reported to me that a mob of villagers, with sticks, were coming towards me. I went forward to meet them. One old man, without a stick, shouted at me in a threatening manner. "You have come to loot our village, have you?" To the villagers exclaiming "come on," "come on," I quietly told them that I was a magistrate, and that if they had any complaints to make I would listen. Instead of paying any attention to what I said, they, if possible, shouted louder, and brandished their sticks. The men came up to within two yards of me. Seeing that neither the presence of the burkundaze, nor my uniform, nor any assurance of being a magistrate, had the slightest effect upon them, I was compelled to draw my sword. Upon this an old man parleyed with the villagers, and begged of them to lay down their sticks. After a time, and a good deal of talking and gesticulating, the men threw all their lattees on the ground, and stated they had a complaint to make about their paddy lands having been sown in indigo. I declined to investigate their complaint in the sun, but requested them to show me a tree, and I would go with them and listen. Some said "He will take us to the factory; don't go;" others, however, acquiesced. I got to the edge of the village, where the greater number of the men ran away. I then apprehended 12.

Cross-examined. There were about 40 to 50 men together, and small bodies of two and three were visible, running about the place. (*Deposition continued.*) When I got under the tree, Mr. Forbes, senior, rode up and told me, that there were a great number of men swimming across the river above Galimpore Factory. I rode instantly to the banks of the river, and saw several men collected on the sand on this side of the river, and a number in the water swimming towards the bank on which I was. On my going down the bank, the whole of them rushed back into the water and swam back again. The other gentlemen who had been on the outskirts of the village, came up to me, and said, that they had just seen four or five large parties of villagers armed with sticks. I did not, myself, see these men.

Cross-examined. The village I went into was all alive with men, and on the south side, there was a disturbance going on, November 12th, 1860.

Continued this day, November 13th.—The following men I apprehended as among the mob who were collected in the village, and kept shouting at me:—

- | | |
|------------------------|--|
| 1. Alhadee Poramanick. | 7. Shetoil. |
| 2. Ashan Sircar. | 8. Anundo Mundul. |
| 3. Kutub. | 9. Arabdee was taken. He was found hiding |
| 4. Kanie Mundul. | in some sugar cane or jungle, within a few |
| 5. Ramdhun. | yards of where I was holding cutcherry. He |
| 6. Ramsunder. | had a stick in his hand. |

Cross-examined. Did you pick up the lattees the men threw down?

Answer.—I ordered them to be collected and kept in custody till you came up.

Question.—What caused the five European gentlemen whom you have mentioned to accompany you?

Answer.—When the report was first brought to Mr. Wilcox's house, they offered to accompany me, which offer I accepted, as I was alone, and a large mob of men were said to be assembled, but on my finding two burkundazes near the place, I declined to let the Europeans accompany me into the village.

Question.—Did you hear a dunkah being beaten during any part of the time.

Answer.—No; I did not observe it.

November 14th.—The man who called out to me, "You have come to loot our village, have you?" was Ashan Sircar. He had no lattee in his hand, but several lattees, I should say some twenty, I saw resting against various houses. I saw no spears. The man by whose advice the villages gave the lattees up was Koojee, who is a witness. I did not, myself, see any of the burkundaze, except the police in the village, but Koojee, witness No. 1, whom I questioned directly after the affair, told me that he had heard that a police burkundaze was in the village, but did not see him himself.

(signed) *W. P. Davis.*

(signed) *C. T. Metcalfe.*

14 November 1860.

(No. 646 A.)

From *H. Bell*, Esq., Under Secretary to the Government of *Bengal*, to the Judicial Commissioner of the Rajshahye Division.

Sir,

Fort William, 21 March 1861.

I AM directed to acknowledge the receipt of your letter, No. 163 Ct., dated the 7th instant, submitting an explanation from Mr. C. T. Metcalfe, officiating joint magistrate of Rajshahye, on the subject of the complaints made against that officer of unfairness and partiality by certain ryots of some of the villages of Pergunnah Luskurpore, in that district.

2. In reply, I am desired to observe that the explanation seems sufficiently to dispose of the complaints, which in part appear to be wholly unfounded, and in part to relate to matters in which the petitioners themselves were all in the wrong, and some of them were most deservedly, and very far from being severely, punished.

I have, &c.

(signed) *H. Bell*,

Under Secretary to the Government of Bengal.

(No. 645 A.—Judicial.)

Fort William, 21 March 1861.

READ a petition, dated the 29th Pous 1267, B. S., from certain ryots of some of the villages of Pergunnah Luskurpore, in the district of Rajshahye, preferring complaints of unfairness and partiality against Mr. C. T. Metcalfe, the officiating joint magistrate of that district.

Read also a Report on the subject from the Commissioner of Rajshahye, No. 163 Ct., dated the 7th instant.

Ordered, That the petitioners be informed that their petition is rejected by the Lieutenant Governor, after inquiry.

(signed) *H. Bell*,

Under Secretary to the Government of Bengal.

From *E. F. Radcliffe*, Esq., Officiating Commissioner of the Chittagong Division, to the Secretary to the Government of *Bengal* (No. 90, dated the 13th March 1861).

Sir,

MR. SCHALCH not having reported his arrival, I will not delay my promised report any longer regarding the disaffection of certain indigo ryots in Tipperah.

2. Messrs. Wise and Glass hold in Thannahs Doudkandy and Goripore, under the management of Mr. Dunne, the five factories marginally noted.

3. It seems that, after the completion of the October sowings, the ryots of Akanuggur and Brahmenchur Concerns became infected with the general feeling, and there being no lack of evil-disposed people anxious to take advantage of the opportunity, the ryots were encouraged and aided to combine against future indigo cultivation, and to repudiate advances already made, and thus complaints against the manager to the above effect were lodged in the district courts.

4. On the 12th ultimo, Mr. Proby, in charge of Akanuggur Factory, reported to Mr. Driver, the divisional manager, that on the night previous he had been aroused by the assembly of about 300 men on the eastern bank of the river opposite his factory; and on the 19th idem this circumstance was reported by those gentlemen to Mr. Nation, the deputy magistrate of Nasirnuggur.

5. Here it will be observed that a delay of one week ensued, and with what cause these men assembled together has not been reported; it is presumed it was with the intention of intimidating the inmates, but this point the magistrate has been directed to ascertain and inform me.

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G 3

6. On

1. Sreenuddee.
2. Akanuggur
3. Dolulpore.
4. Machunpore.
5. Brahmenchur.

6. On the 12th ultimo, the deputy magistrate reported that Hurkishore and Kalleykishore were the aiders and abettors, but the magistrate in reply, No. 70, dated 25th idem, informed him that he required more definite information than that before him to issue special orders against those landholders; that it was necessary to put a stop to anything like a resort to force by either party; that his presence on the spot would deter the assemblage of armed men, and cause them to disperse; that he should impress on the ryots and the police, that if any show of violence on the part of the former be made, it would be put down by force; that if they had any reasonable objections to urge the courts were open. The magistrate also desired his subordinates to endeavour to persuade the ryots to abide by their contracts, impressing on the managers the advisability of listening to any reasonable objections the opposite party may have to urge. On receiving this information Mr. Gordon was acquainted by letter, No. 77, dated the 2d instant, that his instructions to Mr. Nation were considered judicious, and a further report was called for.

7. In the meantime, on the 24th February, the deputy magistrate proceeded to Akanuggur, where he met Mr. Dunne, who on the 27th idem, informed Mr. Gordon that the combination of the ryots was attributed to Mr. Cornell, the deputy collector, employed on settlement duty, having explained to the ryots, who had complained to him of the oppression that indigo cultivation entails, that they "should sue at Comillah, deposit their advances there, and need not sow more indigo;" that Emummodeen Booyea, under the cloak of vindicating the ryots' cause, converted this order into a pretence for extorting money, and issued notices to all indigo ryots to repudiate their contracts and seek immediate redress.

8. In explanation of this circumstance, Mr. Cornell denies Mr. Dunne's charge, states that a feeling of disaffection existed long before he proceeded into the interior; that on a petition being presented to him so far back as November last, his order was to the effect that, if wronged, the petitioner should seek redress in the proper courts of justice, and that while engaged in the settlement of Chur Challibanga, on some ryots complaining to him that the Factory Amlah were forcibly securing the best land for indigo cultivation, he returned the same verbal answer as that recorded in writing.

9. On the 1st instant, Emummodeen's immediate arrest was directed by the magistrate. The joint magistrate was requested to admit him to bail, detaining him pending inquiry into the truth of the charges preferred; and further, to depute an active darogah with a body of police to maintain the peace in the vicinity of Doudkandy.

10. Hurkishore Roy not only denies any complicity in the affair, but promises the exercise of his influence as a landholder in suppressing the excitement.

No. 15, dated 28th February.
No. 17, dated 1st March.

11. It further appears that Mr. Nation, on the 27th ultimo, left the police at Akanuggur, and, in his letters, as per margin, reported that he had used his best endeavours to allay the excitement, but nevertheless the ryots seemed determined not to fulfil their contracts; that he proclaimed Act XI. of 1860, throughout the chief villages and amongst the principal ryots, and directed the police to maintain the peace at all risks, and to put a stop to ploughing and sowing on any show of disturbance; that, with the exception of the ryots of Akanuggur and Brahmenchur, no excitement prevailed, nor was a murmur of disaffection heard; that neither had any breach of the peace occurred, nor was any likely to take place.

12. The deputy magistrate still maintains that Hurkishore Roy is the chief aider and abettor; and hopes that one Mahomed Ally, an individual who is engaged in agitating the minds of the people on some religious topic, may be sent to him.

13. In forwarding this report Mr. Cornell, now officiating magistrate, in letter No. 101, dated 4th instant, reports that a combination against indigo cultivation in his district is substantiated; that he has directed the deputy magistrate to arrest and bring to trial all those whom he suspects of being the instigators of the same; that the charge of arson brought by the ryots against the factory servants is false; that the prosecutor was to be brought to trial; that the proclamation under Act XI. is useless, inasmuch as that law is not in force, and be productive of more harm than good, as the ryots will consider that there is now no law applying to them; that some 40 or 50 ryots of Brahmenchur presented petitions against Mr. Dunne and his retainers, alleged their non-connexion with the cultivation

tivation of indigo ; that the planters may possibly have a body of men for their own protection as well as to intimidate the ryots, but no case of positive assault, trespass, &c., except one for duress for not giving evidence in a survey case in favour of the Bramenchur Factory, had taken place.

14. Mr. Cornell adds, that it is possible some dispute has existed between Mr. Dunne and Emummodeen for the settlement of Brahmenchur, and proposes Mr. Nation's remaining in his sub-division till the rains, and requests sanction to the outlay of 700 rupees for a permanent cutcherry and bungalow.

15. Mr. Cornell's last letter, No. 112, dated 11th instant, he reports that Emummodeen has been arrested and placed on 500 rupees' bail ; that a dispute exists between him and the proprietors of the factories, on account of a survey case pending ; that the ryots are still unwilling to sow indigo in consequence of alleged acts of oppression on the part of the factory Amlah, but that it is gratifying that the evil has been only confined to the chur villages of Pergunnahs Chur, Shurreck, and Roypore ; that Mr. Dunne has taken no steps towards the prosecution of Emummodeen : that he has himself directed the police to send in Emummodeen's other partners, and also some of the principal ryots ; states that he has taken 500 rupees recognisance from the Factory Dewan, and suggests the propriety of 50 of the police battalion being detached to prevent a breach of the peace.

16. The Lieutenant Governor will entirely disapprove of Mr. Nation's ignorance of the law in proclaiming the provisions of Act XI. of 1860, which any man employed as a magistrate should have known was only an exceptional law, and which became void by lapse of time.

17. I do not see how Emummodeen and others who have committed no acts of violence can be punished, for, under Regulation VI. of 1823, it would seem the magisterial authorities have no power to deal with matters connected with indigo contracts ; security should be taken from Emummodeen and other ryots, as well as from the manager of the factory, to prevent any infraction of the peace.

18. The magistrate has been directed to place on the alert the police of the two thannahs in which this cultivation is carried on, to depute Mr. Nation to Goureepore, and there hold office until all apprehension of a breach of the peace subsides, and to report the nature of the agitation caused by Mahomed Ally.

19. In my opinion there is no necessity for a detachment of a military force, for, in a few days, the Seikhs will proceed to Tipperah, wherefrom a small party may be sent to any disturbed part of the district.

20. Mr. Cornell's explanation of Mr. Dunne's accusation appears to me satisfactory.

(No. 652 A.)

From *H. Bell, Esq.*, Under Secretary to the Government of Bengal, to
V. H. Schalch, Esq., Officiating Commissioner of Chittagong.

Sir,

Fort William, 22 March 1861.

I AM directed to acknowledge the receipt of Mr. Officiating Commissioner Judicial. Radcliffe's letter, No. 90, dated the 13th instant, submitting a Report regarding the indigo excitement in the district of Tipperah.

2. As this Report has not given the Lieutenant Governor a clear impression of what has occurred, I am desired to request that you will be good enough to submit, as early as practicable, a clear report on this affair, especially as regards the statement that the deputy magistrate, Mr. Nation, proclaimed Act XI. of 1860.

I have, &c.

(signed) *H. Bell,*
Under Secretary to the Government of Bengal.

MEMORANDUM from *H. B. Lawford*, Esq., Register of the Sudder Court
(No. 169, dated the 21st March 1861).

FORWARDED to the Secretary to the Government of Bengal, in accordance with the request contained in his memorandum, No. 567A., of the 13th instant.

REMARKS by the Presiding Judges on the Trial of Nuffur Mundul and others.

THIS case has been referred to this court in consequence of a difference of opinion between the Law Officer and the Sessions Judge as to the guilt of prisoners 1, 2, 3, 4, 5, 6, 7, 13, 14, 15, 16. The Law Officer would convict all the prisoners, with the exception of 15 and 16, of attack upon and plunder of the house of the prosecutor, Juggobundoo, and for illegally carrying him away; and prisoners Nos. 15 and 16 he would commit for illegally imprisoning the prosecutor Juggobundoo. The Sessions Judge would acquit all the prisoners of the crimes laid to their charge.

It would seem, from the 5th paragraph of the judge's report, that the magistrate originally committed the prisoners, Nos. 1 to 14, on four counts, and prisoners 15 and 16 on other counts. That, under the authority vested in him by the circular No. 70, of the 14th November 1851, he directed the charges to be altered, by concentrating the four counts into one, and by charging No. 15 with the forcible carrying away and imprisoning the persons named, and by charging No. 16 with imprisoning the said Juggobundoo. These charges, the judge observes, were necessitated by the fact of No. 15 being charged by the magistrate with only being accessory after the fact, and being privy to the plunder; but since it is laid down, in the case reported at page 424 of the Criminal Reports of the Sudder Nizamut Adawlut of 1858, that offences of the nature mentioned in those proceedings are not felonies, and consequently the counts of accessoryship and privity cannot lie against prisoners in such cases, therefore it followed that the two charges against prisoner No. 15 were null and void; and as it appeared from the proceeding that the statements regarding the said prisoner, if true, constituted him a principal, and not merely an accessory, he directed the alteration referred to.

The court has no doubt laid down, as stated by the judge, that privity to a misdemeanor is no crime at all, and that to talk of accessoryship before or after to a misdemeanor is incorrect, for that all persons concerned in such offences, if guilty at all, are principals; it follows that, when the magistrate had committed prisoner No. 15 with being accessory after the fact to the attack with plunder, it would have been well had the judge directed his commitment as a principal in that crime; for then the court below, and, on the case coming up here, this court also, would have been able, after hearing the evidence on the record, to have found the prisoner guilty either of the whole or a part of the crime committed; whereas, by directing the commitment of No. 15 to be simply on the charge of forcibly carrying away and illegally imprisoning the prosecutor Juggobundoo Dutt and Hurrymohun Udhicaree, the action of this court in the final determination of the case has been narrowed unduly and inconveniently for the purposes of public justice.

The judge seems, from the observations contained in the concluding paragraph of the 46th section of his letter of reference, to be of opinion that some outrage upon the property of the prosecutor did occur, but that it was not of so severe a nature as by the evidence is attempted to be made out, and that the evidence itself is so untrustworthy as not to be sufficient to bring home the crime to any party before the court.

The case against the prisoner, which the prosecution has undertaken to prove, is briefly as follows:—That, during the past year, Juggobundoo Dutt, who is the Darputneedar of the village of Amdool, of which village the farmer is Moorleedhun, and Mr. Maseyk, the surety, granted a seputnee of it to Rajah Gopal Singh; that, on this party taking possession of his seputnee, in the beginning of Magh, a body of 300 or 350 men, belonging to Mr. Maseyk, came from the factory of Kudumsahar, and attacked and plundered the house of Juggobundoo Dutt, carrying off him and also Hurrymohun Udhicaree, the servants of the Seputneedar;

needar ; that prisoner No. 15, Maseyk, through his servant, kept the prosecutor Juggobundoo in confinement, first in different factories and then in ryots' houses, altogether for the term of 25 days, from the 4th to the 29th February ; that within that period, viz., on the 14th Falgoun, or the 25th February, whilst he was in charge of Maseyk's people, he was compelled to put in a razeenamah before the magistrate of Moorshedabad ; that on the 29th February, whilst in the charge of Brijolall Doss, Nundkissore Doss, and Hubeebol Ghose, he was released by the Mohurir of Manoollah Bazar.

The court thinks it unnecessary to set forth at length the depositions by which these different allegations have been supported, as, irrespective of the comments made upon them, this has been very fully, and on the whole accurately, set forth by the judge in his report of the case to this court. We proceed, therefore, at once to notice the arguments which were offered here on that evidence by the counsel and pleaders before us.

It was urged on behalf of the prosecutor, by the learned Advocate General, that the case is one of great importance and considerable intricacy, and, as to some portions, admits of considerable doubt ; that, whilst there are discrepancies and suspicious circumstances, still on the whole, after a separation of the chaff from the wheat, there is an amount of evidence supported by probabilities against all the prisoners sufficient to bring home to them the crime with which they stand charged ; that the judge was not justified in the language used in the last paragraph of the 49th section of his report, for the prosecutor's hands were entirely clean ; neither has he kept in mind the difference between discrepancies by way of omission and discrepancies in positive statements ; that the former are not contradictions at all, and might possibly on examination be supplied ; that to rely on such discrepancies by way of omission under any circumstances is not correct, but to rely on them after a lapse of time is highly dangerous. Moreover, in the present case, when the prosecutor's object was to state his charge, he stated it in a general way, when his object was to state particulars he mentioned facts ; that more credulity is necessary to disbelieve than to believe the prosecutor's statement ; that it is impossible to think that he would destroy his own house, and if he were not imprisoned, where was he ? Again, if on the 4th February he had trumped up a false case, is it credible that, without a proposition from or connection with Maseyk, he should give up the case and disavow the plunder ? or rather is it not more likely that he filed the razeenamah after communication with Maseyk, or communication entered into after the plunder and his own abduction. Again, after having withdrawn his false charge, he again performs the part of a man who is in durance, gets the police to come down upon him and Maseyk's servants, and on the 1st March he contradicts what he had written in the razeenamah, and falls back on his original charge. To infer all this change of intention is more improbable than what really occurred. The statements made by the prosecutor are the statements of a bewildered man, discrepant here and there as to time and place, but substantially correct ; and the evidence of the witnesses, though not all trustworthy, is sufficient to substantiate the main allegation of the prosecutor, and to prove the charge against the prisoner.

It was added by Baboo Ramapershad, on the same side, that there is no evidence of an attempt at forcible ouster on the part of the prosecutor, or even of the qualified ouster of the farmer of Amdool by him ; that it is most improbable, if there had been, that Maseyk would not have proceeded with his case of attack on his cutcherry ; that even as it is, there is abundant evidence of the outrage committed by the prisoner, and had not the negligence of the police and magisterial authorities been great, no difficulty would have occurred ; but taking into consideration that negligence, there is no wonder that there are contradictions. That it clearly appears in evidence that the prosecutor, amongst other places, was confined in Koodurut Mundul's house in Basoo Paiker, which is a village of Maseyk ; that on the magistrate sending for Koodurut, three Kooduruts appeared, and it was only after great difficulty that the real Koodurut, whom the prosecutor immediately recognised, was produced ; that the witnesses Paunchoo and Kotool, who saw him then in charge of a peon of Maseyk, are Maseyk's ryots. Then there is clear evidence that he was detained also in charge of Maseyk's men at Dogatcha, a village in which Maseyk has some interest, in the house of Dinobundoo, his gomashla ; that in short, wherever it was possible to trace the imprisonment of the prosecutor, it has been traced and

proved; that again his capture by the mohurir of Manoollah Bazar, and of three of Maseyk's servants, has been clearly proved. The evidence of the mohurir was taken, and answers of the three men were taken, and they were eventually released, two of them on the security of Dabeepersaud Sing, a mook-tear of Mr. Maseyk; nevertheless, we are to believe the whole story a fabrication; that if it were, why were not the real men produced? That again Maseyk, though summoned, did not appear till his property had been attached and was about to be sold; and if he were guiltless, why all this concealment? That the story of the other side, that the whole case is a conspiracy, cannot stand; that it is impossible and improbable, and inconsistent with reason, and grossly offensive to common sense; whereas, the evidence of the attempt and plunder is sufficient against the other prisoners, and the evidence of the prosecutor's imprisonment noted above, confirmed by the whole record, is sufficient to connect Maseyk with this gross outrage against public justice.

On the part of all the prisoners with the exception of Maseyk, it was contended by Baboo Baney Madhub Banerjee, that the evidence of the attack with plunder is all false; that it is an attempt on the part of the prosecutor Juggobundoo and Rajah Gopal Singh, to dispossess the farmer of Amdool; that they did dispossess him, by taking possession of the cutcherry, though he has re-obtained possession. That from the commencement the police have colluded with the prosecutor and the Rajah; that when they planned the possession of Amdool, they planned beforehand the present case with all its intricacies, and that the whole evidence is so discrepant, that the Court cannot place any confidence in it.

Mr. Doyne, on the part of prisoner Maseyk, urged that the portion of the charge referring to the attack and plunder should be kept distinct from that portion which affected his client; that the former might be, though he did not say it was true and the latter false—the servants might be guilty and the master innocent. That an attempt was made by the prosecutor to oust forcibly Maseyk from his farm of Amdool by means of his greatest enemy, Rajah Gopal Singh, and in the attempt he got the worst of it. That the evidence in the case as to the attack is not credible, is confined to that of Juggobundoo, his family, and his ryots, and is full of discrepancies and exaggerations; that in reality there was only an affray between a small body of men caused by the illegal act of the prosecutor, and there was no gang and coming of bodies of men at all. As to the case of imprisonment against his client, it is a conspiracy from the beginning to the end. The whole story has been concocted, but not concocted well; that the evidence as to the prosecutor's imprisonment in various places, to his then putting in a razeenamah at the dictation of Maseyk, and his then returning into the hands of his captors, is in itself incredible; and the depositions of the witnesses on all points are so discrepant, that it is impossible for the court to believe any part of it; and the same may be said of his alleged final capture in the hands of three persons who, in collusion with the police, were made to personate servants of his client. That in short the case is so overloaded with falsehood, that even the prosecutor cannot tell any part of his story twice in the same way; and looking to the nature of the evidence altogether, a conviction on it would be unsafe, and justice would undoubtedly suffer.

That an outrage of some nature occurred on the 4th February 1860, in the village of Amdool, is clear from the evidence before us, and also from the admission made by the learned counsel for prisoner, No. 15. We therefore propose to consider the evidence on the record: 1st, as to the origin of that outrage in the village of Amdool. 2d, as to the nature of the outrage, and the parties by whom it was committed; and 3dly, as to the alleged imprisonment of the prosecutor by the servants of prisoner Maseyk.

This case occurred on the 4th of the month of February 1860, and until the officiating magistrate, Mr. Robinson, who had just joined the district, proceeded into the Mofussil on the 11th June to investigate the case, nothing material had been elicited against the prisoner. In considering, therefore, real discrepancies which appear in the different depositions given by the prosecutor and witnesses, the court has made allowance for the time which elapsed between the date of the occurrence and that on which their several statements were made. On comparing the statements made by the prosecutor at different times, the sessions judge seems to have fixed his attention solely on the points of difference, but this course seems to the court to be one altogether unsuited to the evidence of natives

natives of this country. Were the courts as a rule to look solely to points of difference, and act upon them alone, few cases in this country would result in conviction. The inaccurate mode of statement in which the natives sometimes, without any intention to pervert the truth, indulge, and the habit of exaggeration to which in small matters as well as great they are so prone, forbid the introduction of such a course of proceeding. It is only by a careful consideration of the discrepancies and points of agreement, and a careful weighing of the one against the other, that the courts are enabled to come to a right judgment as to the value of native evidence given before them.

As to the origin of the outrage before us, we think, from the evidence, there can be no doubt it is clear that, between the defendant Maseyk and the prosecutor Juggobundoo, feelings of a hostile nature had sprung up, and that the latter, with a view of introducing a third and a strong party between Maseyk, who was the real farmer, and himself, had granted a seputnee to Rajah Gopal Singh; that the latter person had sent some burkundaues to take symbolical possession, and it would seem also joint possession of the cutcherry of the village; but that there was any intention, either on the part of the prosecutor or Rajah Gopal Singh, to dispossess the farmer, either the ostensible or the real, of his farm or of the cutcherry, there is not the least ground for supposing, but even had there been an illegal act done by the prosecutor, this would not have excused an outrage on the prosecutor's property like that charged, as would seem, from the concluding remarks in the 49th paragraph to be the judge's opinion; the doctrine of civil jurisprudence that a plaintiff must come into court with clean hands, cannot, in all its breadth, be imported into criminal law. An illegal act done by a prosecutor may generally justify a court in awarding a less punishment to a party who has, when smarting under the effect of that illegality, committed an offence himself against the complainant, but it can only, under very special circumstances, into an enumeration of which it is not necessary now to enter, form a complete excuse for an offence committed. In the present case the court is of opinion that no illegal act was done by the prosecutor, and on that score considers that his hands were quite clean when he came into court.

The nature of the outrage upon the prosecutor's property, and the parties by whom it was committed, is the next point for our consideration. First, as to the nature of the outrage. On the 4th February 1860, or the 23d Magh 1286, the darogah of thannah Puloa proceeded to the spot and drew up a sooruthal. From this document it appears that the posts and lintels of several of the doors were cut in pieces, that the wall on the west of the entrance had been thrown down, and that the whole house bore marks of the violence which had been used, and no property of any sort was found in it. One only of the witnesses to the sooruthal was examined by the judge, though the name of three others were entered in the calendar. This should not have been. The evidence of the witnesses to the sooruthal is of such importance for enabling the court to arrive at an accurate knowledge of the extent of an outrage like the present, that, irrespective of any desire either one way or the other on the part of the prosecution, the judge should have proceeded to take their depositions; though, however, there is evidence of the attack upon the house, the court has no satisfactory evidence of the amount of plunder carried away. The prosecutor and his brother, in their different statements, have varied the amount from 26,000 to one lac of rupees; and in the absence of any satisfactory evidence thereof, the court is unable to determine the quantity of property plundered. Had the evidence of the prosecutor on this point been consistent, the court would have accepted his statement as correct, but on the face of such varying statements, it feels that it cannot, with safety, rely on any of them. As to the parties who committed the attack with plunder, it is clearly proved, from the evidence of the witnesses Pamroo Jogee, Gorogobind Dutt, Bridgolal Doss, Ram Dyal, Radanath Chowkeedar, Issur Mundul, Alum Sheik, Ramnath Mundul, and others; that a large body of men, headed by servants of Mr. Maseyk, came from Kudumsahar Factory, attacked and plundered the house of the prosecutor, and carried him and Hurrymohun Udhicaree off in the direction of the factory, and that the prisoners 1, 2, 3, 4, 5, 6, 13, were all present, actively concerned in the offence. Regarding the particular part which each prisoner took in the illegal act, there are some variations and discrepancies in the statements of the witnesses, but variations of statements by witnesses in a case like the present, are not necessarily inaccuracies; they may be reconciled by the remembrance that the parties speaking witnessed the

transaction from different positions, and not all at exactly the same point of time; and seeming discrepancies, such as occur in the names of the particular parties who were on the elephant, admit of the explanation, that during the whole outrage the same persons were not on the animal. But be that as it may, and after having duly considered the nature and the extent of the variations and discrepancies, we are convinced that the witnesses, who were residents of the village, and as ryots of the farmer, not over willing to give their testimony, have, in the main, deposed to facts which occurred; and, regarding their testimony in that light, we consider it amply sufficient to convict the prisoners, Nos. 1, 2, 3, 4, 5, 6, and 13, of being concerned in the attack, attended with the plunder of the house of the prosecutor and the abduction of the prosecutor himself. We think, however, the evidence insufficient to convict prisoners 7 and 14, Gunes Sing and Chota Srichurn, and we therefore direct their immediate release.

It now remains for us to consider that part of the case connected with the prisoners 15 and 16, viz., the imprisonment of the prosecutor from the 4th to the 28th February, in different places, in the charge of the servants of Maseyk. Regarding his detention, the prisoner has deposed at four different times, once before the mohurir of Manoollah Bazar, immediately after his release, on the 29th February; a second time before Mr. Alexander, on the 5th March; again before Mr. Robinson, on the 28th June; and lastly, before the sessions judge, on the 24th September. These depositions the sessions judge characterises, in his 9th paragraph, as "a tissue of lies;" and in the 36th paragraph he expresses the opinion, "that the alleged captivity of the prosecutor and Hurrymohun Udhicaree is a lie from beginning to end, and that the evidence was generated in falsehood, nurtured in untruth, and completed in the grossest lies and perjuries, whilst the alleged release bears no features of probability, and is a device evidently brought in as a portion of the plot, and for the purpose of adding a link to the story."

Now, on comparing these four depositions together, we find that the chief points on which the discrepancies exist are, 1st, as to the time of his detention in various places; 2d, as to the places in which he was imprisoned. It is quite clear from the prosecutor's own statement, that he was abducted from his house on the 4th February, and released by the police on the 29th February; that consequently, according to it, he was only 25 days in duress, whereas he, in his statement before Mr. Robinson, makes the period of detention to be 33 days. This is a self-evident error. How long the prosecutor was detained in each factory, to which he alleges he was in the first instance carried, it would be idle to attempt to discover, for his own statements are inconsistent, and the court has no evidence on the point with which to compare his different statements; but the court is not inclined to place much weight on discrepancies in different depositions of a native of this country as to time, if the fact of his detention at the commencement of it, and his release at the completion of it, be satisfactorily proved, and consequently, if other points in the evidence be satisfactory, discrepancies on this point may be disregarded.

Then as to the places in which the prosecutor was imprisoned, in his first statement, to the mohurir of Manoollah Bazaar, he only mentioned the factories of Kudumsahar and Kaligunge, but in his subsequent deposition he mentions, and in almost undeviating sequence, the factories of Kudumsahar, Aukora, Bakrabad, Airmaree, and Kaligunge. It is true that, in his statement before Mr. Alexander, he mentioned Necintollah instead of Bakrabad, but this error he subsequently corrected, saying that it arose from the factory of Bakrabad being one a long way off across the river, and one with which he was not previously acquainted; and the alleged discrepancies as to the factories in which he was confined are therefore but of slight moment, and, as was well remarked by the learned Advocate General, are discrepancies by way of omission only, and not by way of positive statement.

What, then, are the points on which the different depositions of the prosecutor agree? They are, that he was carried away on a factory elephant from Amdool to Kudumsahar Factory, where Maseyk then was, and placed in the pigstye; that he was, after being first carried about to certain factories, where he saw no one that he knew, confined in Keodurut Mundul's house, in Paikur, in charge of Maseyk's peon; that he then was confined in Dinobundoo's, Maseyk's gomashtha's house, in Dogatcha, that he was then brought back to Kudumsahar, where he saw his sons Bejoygobind and Radagobind, and where proceedings took place with Maseyk regarding the giving in of the razeenamah; that he was then sent off

with

with Brijolall Doss to Moorshedabad to file the razeenamah; that he did so on the 25th February; and that when he was being brought back to Jungeepore, in charge of Brijolall Doss and the other men of Maseyk, he was, on the 29th February, released by the agency of the mohurir of Manoollah Bazar. These points of agreement are all corroborated more or less by the evidence of witnesses; and as the evidence in a case of this nature is cumulative, the corroboration of one fact alleged by the prosecutor may be more or less complete; but however incomplete it may be, it is only a weak link in a chain which may be otherwise most strong. Other points of agreement in prosecutor's deposition might be mentioned; as they are not, however, corroborated by satisfactory evidence, it is unnecessary to notice them here.

The witnesses to the case of attack with plunder all depose to the abduction of the prosecutor and Hurrymohun Udhicaree on the elephant belonging to Kudumsahar Factory. The evidence of Hurrymohun Udhicaree, however ridiculous it may be on other points, corroborates the evidence of Juggobundoo as to his being carried to Kudumsahar Factory, and being kept in the pigstye. In addition to the evidence of the prosecutor being brought to the factory and confined there, we have also the most trustworthy evidence of the mohurir of Manoollah Bazar, to the effect that, on the 29th February, at the instance of Pranbundoo, the brother of prisoner, who died before the trial, he released the prosecutor on board a boat from the custody of these men, who gave their names as Brijolall Doss, Hurreebol Gloze, and Nundkissen Doss. We have also evidence on the record that these three men were servants of Maseyk, and were released on security, the two first on the security of Dabeepersaud Sing, a mooktear of Maseyk, and the third on the security of one Illahi Buksh, and also that, in their answer before the magistrate, they admitted that they had been with the prosecutor to file a razeenamah. By some oversight or carelessness these three parties have not been sent in, and been placed upon their trial as being connected with this case; but though that which should have been done as regards them has not been done, the evidence of the release of the prosecutor from the charge of those three men is clear, having their evidence that the prosecutor came into Maseyk's hands on the 4th, and was released from the custody of the servants on the 29th February; it would be most legitimate presumption, until the presumptions were rebutted, that during the intermediate time the prosecutors were under duress in Maseyk's charge. The court is not, in the present case, however, driven to act on such a presumption; it has clear evidence—evidence obtained with considerable difficulty, through the activity and intelligence of Mr. Robinson, the officiating magistrate—that the prosecutor was confined in the village of Basoo Paikur, belonging to Maseyk, in the house of Koodurut Mundul, in charge of men known to be peons of Maseyk's; that he was in the same way confined in the house of Dinobundoo, in the village of Dogatcha, in which village also Maseyk has some interest, though of what nature does not clearly appear. We have the evidence also of his sons, Radagobind and Bejoygobind (whose various depositions, though displaying minor discrepancies, are in the main consistent with each other, and therefore highly worthy of credit), to his being brought to Kudumsahar Factory to arrange with Maseyk himself regarding the filing of a razeenamah, and to his being sent off to Moorshedabad, in charge of Brijolall Doss, in order to file the razeenamah that had been dictated to him. Having evidence of this nature, we entirely credit the statement of the prosecutor, that he, through fear of Brijolall Doss, and others with him, had assented to the filing of the Razeenamah before the magistrates on the 29th February, at Moorshedabad.

The court observe that the magistrate was unable to obtain any evidence at all corroborative of the prosecutor's statement, that he was confined at different factories, nor was he able to obtain evidence from the Ghat Manjees of his being carried over the river to the factory of Bakrabad and back again.

The prosecutor made much of the alleged evidence of Mr. Doyle, but the letter received by that gentleman was destroyed, and is not forthcoming. He is unable to say in whose handwriting it was, or in any way to connect it, or the person who brought it, with Maseyk, so his deposition, as against Maseyk, is no evidence at all.

The counsel for the prisoner, No. 15, urged strongly that no corroboration, but the reverse, was afforded to the statements of Juggobundoo and that of Hurrymohun, inasmuch as both depose that they were from the first under the charge, amongst others, of a burkundauze named Shungshar Sing, statements which

cannot both be true ; but it seems to the court that the objection is of no weight, for, according to his own account, Hurrymohun escaped from his guards at Kudumsahar on the morning of the 5th February, which left full time for Shungshar Sing to be on guard over the prosecutor in Gopal Singh's house, close to the factory, on that day, and to have accompanied him when sent off at night to distant factories.

We have, then, no hesitation in coming to the conclusion that the points of agreement in the prosecutor's statement, confirmed and corroborated as they are by the testimony of trustworthy witnesses, have altogether outweighed the discrepancies in his statements, which have been unduly magnified by the sessions judge, and that the evidence is quite sufficient to show that the prosecutor, with Maseyk's knowledge and assent, and it must be presumed commands, was, for the space of 25 days, from the 4th to 29th February 1860, illegally detained and imprisoned in various places, unless the prisoner, by clear and cogent evidence, is able to displace the facts which have been proved against him.

What is that evidence? There is none at all. The prisoner has contented himself with denying the charge, and his counsel has laboured to convince the court that the present case, from its inception to its close, is the result of a conspiracy previously concocted between the prosecutor, his family, and Rajah Gopal Singh. We think, however, there is not the slightest ground for adopting the suggestion of Mr. Doyne ; that there is ill-will between the prosecutor and Rajah Gopal Singh and Maseyk is clear ; but that the former party should have concocted such an elaborate and intricate falsehood, as on the supposition it must be, is most unlikely, and in short, as was observed by the learned Advocate General, requires a greater degree of credulity to disbelieve than to believe the circumstances of this case, extraordinary though they may be.

As to the alleged false personation by others of the characters of Byram Doss, Hurgobind Ghose, and Nundkissore Doss, it was in the power of the prisoner, Maseyk to have produced his own servants, and to have elucidated the alleged fraud. As he has not done this, we must presume that the parties who appeared before the Manoollah Bazar were the parties they represented themselves to be, a presumption which the fact of Masey's mookteah, Dabeepersaud Sing, becoming security for two of them, reduces to a certainty.

Moreover, the conduct of Maseyk, as evidenced by the record, raises presumptions highly unfavourable to his innocence. Instead of appearing when summoned, he absented himself from his factory ; certain real property belonging to him was attached, and, when the day fixed for the sale was approaching, he from necessity came in.

On the view, then, of the whole case, expressed above, we find the prisoners 1, 2, 3, 4, 5, 6, and 13, guilty of having made an attack upon the house of the prosecutor, Juggobundoo Dutt, attended with the plunder of it, and the abduction of the prosecutor himself, and we sentence the prisoners 2, 5, 6, and 13, to three years' imprisonment with labour, commutable to a fine of 200 rupees, and 1, 3, and 4, to two years' imprisonment with labour, commutable to a fine of 100 rupees. We also find Maseyk, prisoner No. 15, guilty of having, by means of his servants, illegally imprisoned the prosecutor in various places, from the 20th to the 29th February 1860, and we sentence him to one year's imprisonment with labour, commutable to a fine of 1,000 rupees. Had any circumstance of inhumanity in his treatment of the prosecutor been proved before us, we should, under the precedent afforded by the case of Government *versus* Kalidos Banerjee and others (see decisions of Sudder Nizamut Adawlut for 1858, pages 424-469), have passed a severer sentence upon this prisoner. We also find Dinobundoo Mundul, prisoner 16, guilty of having illegally confined the prosecutor in his house in Dogatcha, and we sentence him, as servant of prisoner No. 15, to three months' imprisonment with labour, commutable to a fine of 30 rupees. The prisoners 7 and 14 we declare to be entitled to their release.

The court observe that the judge tried this case with a law officer, nevertheless he allowed all the oral pleadings to be carried on in English. It does not appear whether the law officer is conversant with that language or not. If he be, the course adopted by the judge is open to no remark ; if, however, he be not, the court consider that the course adopted by the judge was objectionable, and that it is not correct to allow the oral pleadings to be carried on in any language save that with which both the presiding judges, the law officer, and the judge are conversant.

JUDICIAL DESPATCH to India, No. 98, dated 7 June 1861.

1. YOUR letter, dated 9th April (No. 35) 1861, transmitting the Special Narrative of the Proceedings of the Government of Bengal dated 6th idem, connected with indigo matters in some of the districts in Bengal, has been laid before me in Council.

2. These proceedings are generally approved.

3. It appears that on the occasion of the deputation of indigo planters to your Lordship on the 4th March last, Mr. Larmour, manager of the Bengal indigo concern, alluded to the delay in the disposal of suits, under Act X. of 1859, as one of the great difficulties with which the zemindars had to contend in the realisation of their rents; and referred, in support of his statement, to certain suits lodged by a factory under his charge, on the 20th January, which had been fixed for hearing on the 10th April.

4. On inquiry, it appears that Mr. Larmour was correct in his statement that the suits had been fixed for hearing on the day mentioned by him, and the officer who thus acted has very properly been censured for his irregular conduct. It is satisfactory, however, to find that an additional officer had been deputed to the same division, early in February, and that the whole of the cases, "except a very few retained for special purposes," to which Mr. Larmour referred, as having been set down for hearing on the 10th April, had actually been heard and decided nine days previous to the date of Mr. Larmour's statement on the 4th March.

5. In the absence of any explanation from Mr. Larmour, I hesitate to arrive at the conclusion pointed at by the Lieutenant Governor and the Officiating Collector of Jessore, that Mr. Larmour was aware of this fact at the time of making his statement to your Lordship.

6. In regard to the statement of Mr. Lushington, Commissioner of the Nuddea division, contained in paragraphs 23, 24, and 25 of his letter, No. 2, of the 19th February last, respecting the trade in sugar carried on at the mart at Kotchaudpore, I concur in the reply given to the Indigo Planters' Association, by the Lieutenant Governor, in his Secretary's letter of the 2d April, No. 751 A.

7. I observe that Mr. C. B. Maseyk, of the Kuddum Sahar Factory, and his dependents, who were reported in a previous narrative as having been brought to trial for carrying away a native and forcibly detaining him in custody, have been convicted by the Sudder Court, and that Mr. Maseyk has been sentenced to imprisonment for one year, and labour, commutable to a fine of 1,000 rupees.

Home Department.—Judicial.

(No. 38 of 1861.)

To the Right Honourable the Secretary of State for India.

Sir,

WE have the honour to forward the Special Narrative of the Proceedings of the Government of Bengal noted on the margin,* transmitting a copy of a report furnished by Mr. C. P. Hobhouse, showing the result of his labours as additional civil and sessions judge of the Nuddea, Jessore, and Rajshahye districts during the past five months, and containing an expression of his opinion on the indigo question, from facts which came to his notice in the course of his judicial business during that period.

* No. 24, dated the 10th April 1861.

We have, &c.
(signed) *Canning.*
Hugh Rose.
H. B. E. Frere.
R. Napier.
S. Laing.

Fort William, 15 April 1861.

(No. 24 of 1861.)

Government of Bengal.—Judicial.

(Special.)

In continuation of the Special Narrative, No. 21, dated the 6th instant, herewith is forwarded for the information of the Right Honourable the Secretary of State, a report* which has been furnished by Mr. C. P. Hobhouse, showing the result of his labours as additional civil and sessions judge of the Nuddea, Jessore, and Rajshahye districts during the past five months, and containing an expression of his opinion on the indigo question, from facts which came to his notice in the course of his judicial business during that period.

* No. 25, dated 1st instant.

(signed) H. Bell,

Under Secretary to the Government of Bengal.

Fort William, 10 April 1861.

From C. P. Hobhouse, Esq., Officiating Additional Judge of the Nuddea Division to the Secretary to the Government of Bengal (No 25), dated the 1st April 1861.

Sir,

On the occasion of giving up charge of the office of additional judge of the indigo districts, I have the honour to report the result of my labours in the above districts, and I take the liberty to express the opinion I have formed on the indigo question, from facts that have come to my notice in the course of my judicial work.

From statements appended, the Lieutenant Governor will be able to see at a glance the extent and nature of the work that has been brought before me, and the manner, so far as rapidity is concerned, in which that work has been performed, and I trust that the result will be deemed satisfactory.

It will be observed that the work was confined chiefly to the districts of Jessore and Nuddea; but in the district of Jessore is included so much of Pubna as lies to the south of the Podda. And as regards Rajshahye, I have to observe, that it was not until the last month that my presence was shown to be at all requisite in this latter district, and that I was proceeding there when my health compelled me to relinquish my work altogether.

So far as regards the work performed and its nature. But I would beg to add a few deductions on the actual state of the districts, so far as indigo matters are concerned, drawn from facts that I have considered to be proven before me.

The civil suits that I have tried have all had reference to land tenures, and to questions arising therefrom, and they have neither been so numerous nor so uniform as to enable me to draw any special deduction from them. Perhaps, however, the particulars given in my statement of suits instituted under Act X. of 1859, may indicate that this Act is about to be worked, and so tested more thoroughly than I think it has hitherto been.

From the criminal and Act IV. cases that I have tried, I have drawn several minor deductions, all of which seem to me to resolve themselves into one principal deduction, viz., that there is in fact a spirit of hostility rife amongst the ryots against the indigo planters, showing itself in various forms, some undoubtedly violent and illegal.

For instance, of the 134 Act IV. cases that have been before me during the last five months, the great majority have been those in which I have thought it established that ryots have forcibly sown down Neejabad lands of the planters with kullai and other crops.

Again, in one instance, in the Kishnaghur district, and in another in Jessore, it appeared clearly proved to me that large bodies of armed ryots had threatened two indigo factories, in the one instance in the night time, and in the other in broad day.

Again, in four instances in the Pubna district, and in ten instances in the Kishnaghur and Jessore districts, it seemed to me proven that the ryots assaulted or menaced, or levied illegal fines, or brought false complaints, or destroyed the property of factory servants and others, because they were such servants, and in order

order to prevent their continuing to be such, or in revenge for their taking advances for indigo.

Again, in the course of some cases, it has been stated in the evidence of witnesses and in darogahs' reports, and scarcely contradicted by the ryots themselves, that they have in some places combined not to sow indigo and not to pay rents; but the cases in which these statements have been made have been few. And although it was alleged on the side of the planters, that these combinations were attended by threats, or even acts of violence, yet it was only in one case proved before me that there had been a combination not to sow indigo, attended with violence towards those who refused to join the combination and took indigo advances.

Allegations are also in two cases made before me of persons having been placed under certain social proscriptions in the matter of personal comforts, most essential in the native idea, by reason of their continuing to be in some way connected with indigo factories; but no specific charge of this nature ever came under my notice, nor were the allegations made, except incidentally in support of other charges; and I was of opinion that they did not constitute any intention to commit an offence within the meaning of Act V. of 1848, or any other law.

The only cases in which factory servants were charged in appeal before me with offences against ryots, were four cases of breaking up paddy, in two of which the persons charged were convicted and in two acquitted, and in one case of duress and two of perjury, in which the persons charged were acquitted.

I may perhaps be permitted to add my opinion, that the law as it stands has been proved sufficient to meet the offences committed.

NUMBER of CASES decided by the Additional Civil and Sessions Judge of *Nuddea, Jessore, and Rajshahye*, from the 22d of October 1860 to the 31st of March 1861.

| DESCRIPTION OF CASES. | Number decided on the day of Receipt of Records. | Number decided one day after ditto. | Number decided two days after ditto. | Number decided three days after ditto. | Number decided four days after ditto. | Number decided five days after ditto. | Number decided six days after ditto. | Number decided more than six days after ditto. | Total Number Decided | | | | REMARKS. |
|-----------------------------------|--|-------------------------------------|--------------------------------------|--|---------------------------------------|---------------------------------------|--------------------------------------|--|----------------------|----------|--------|---------------------------------------|--|
| | | | | | | | | | Nuddea. | Jessore. | Pubna. | Total of Columns 2 to 9, or 10 to 12. | |
| 1. | 2. | 3. | 4. | 5. | 6. | 7. | 8. | 9. | 10. | 11. | 12. | 13. | 14. |
| Appeals under Act IV. of 1840 - | 50 | 31 | 17 | 13 | 8 | 10 | 2 | 3 | 73 | 52 | 9 | 134 | All for possession of lands. |
| Ditto - - ditto - X. of 1859 - | 15 | 7 | 2 | - | 12 | 13 | - | 15 | 50 | 14 | - | 64 | As per over leaf. |
| Regular Foujdaree Appeals - - | 29 | 9 | 2 | - | - | 1 | - | 3 | 25 | 15 | 4 | 44 | - |
| Principal Sudder Ameen Appeals - | 1 | - | - | - | - | - | - | - | - | 1 | - | 1 | For reversal of sale and obtaining possessions of a jumma. |
| Sudder Ameen Appeals - - - | 1 | 3 | 3 | - | - | - | - | - | - | 7 | - | 7 | As per over leaf. |
| Mounsiffce Appeals - - - | 6 | 2 | - | - | 1 | - | - | - | 6 | 3 | - | 9 | - - Ditto. |
| Miscellaneous Foujdaree Appeals - | 2 | - | - | - | - | - | - | 1 | 1 | 2 | - | 3 | - |
| Commitment Cases - - - | - | - | - | - | - | - | - | 2 | 2 | - | - | 2 | Perjury. |
| TOTAL - - - | 104 | 52 | 24 | 13 | 21 | 24 | 2 | 24 | 157 | 94 | 13 | 264 | |

Additional Judge's Office,
Nuddea,
1 April 1861.

(signed) C. Hobhouse,
Officiating Additional Judge.

Of the 64 cases decided under Act X. of 1859.

| | | | | | | | | | |
|--------------------------------|---|---|---|---|---|---|---|---|-----------|
| Suits for arrears of rent | - | - | - | - | - | - | - | - | 37 |
| „ cancellation of leases | - | - | - | - | - | - | - | - | 2 |
| „ recovery of possession | - | - | - | - | - | - | - | - | 3 |
| „ obtaining potta | - | - | - | - | - | - | - | - | 17 |
| „ obtaining aid in measurement | - | - | - | - | - | - | - | - | 1 |
| „ abatement of jumma | - | - | - | - | - | - | - | - | 4 |
| TOTAL | - | - | - | - | - | - | - | - | 64 |

Of the seven Sudder Ameen Appeals.

| | | | | | | | | | |
|---------------------------|---|---|---|---|---|---|---|---|----------|
| Suits for arrears of rent | - | - | - | - | - | - | - | - | 2 |
| „ cancellation of leases | - | - | - | - | - | - | - | - | 2 |
| „ recovery of possession | - | - | - | - | - | - | - | - | 3 |
| TOTAL | - | - | - | - | - | - | - | - | 7 |

Of the nine Moonsiffie Appeals.

| | | | | | | | | | |
|--|---|---|---|---|---|---|---|---|----------|
| Suits for recovery of possession of land | - | - | - | - | - | - | - | - | 5 |
| „ damages of crops | - | - | - | - | - | - | - | - | 1 |
| „ reversal of sale | - | - | - | - | - | - | - | - | 2 |
| Decree-jaree appeals | - | - | - | - | - | - | - | - | 1 |
| TOTAL | - | - | - | - | - | - | - | - | 9 |

(signed) *C. Hobhouse,*
Officiating Additional Judge.

(No. 838 A.)

Copy forwarded for the information of the Government of India in the Home Department.

(No. 839 A.)

Copy forwarded to the Commissioner of Nuddea for information.

(No. 840 A.)

Copy forwarded to the Commissioner of Rajshahye for information.

By order of the Lieutenant Governor of Bengal,

(signed) *W. S. Seton-Karr,*
Secretary to the Government of Bengal.

Fort William, 10 April 1861.

JUDICIAL DESPATCH to India, No. 102 of 1861, dated 17 June.

1. YOUR letter, dated 15th April (No. 38), 1861, forwarding the special narrative of the proceedings of the Government of Bengal (No. 24), dated 10th idem, together with a report furnished by Mr. C. P. Hobhouse, additional civil and sessions judge of the Nuddea, Jessore, and Rajshye districts, on some matters bearing

bearing on the indigo question in Lower Bengal, has been laid before me in Council.

2. The reports of the Special Commissioners who have been deputed to the same districts, will throw additional light on the state of things in those quarters, and measures will of course be taken for checking any violent or illegal manifestations of hostility on the part of the ryots against the planters, such as those referred to in 8th para. of Mr. Hobhouse's report.

3. It is satisfactory to find that, in the opinion of Mr. Hobhouse, the law, as it stands, has been found sufficient to meet the offences committed.

EAST INDIA (INDIGO).

SUPPLEMENTAL RETURN.

**COPY of further ORDERS and CORRESPONDENCE
relative to the DISPUTES between the INDIGO
PLANTERS and RYOTS of *Lower Bengal*.**

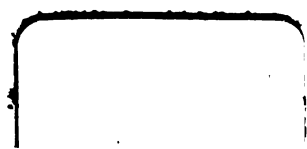
(Mr. Vansittart.)

*Ordered, by The House of Commons, to be Printed,
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